Supreme Court, U.S.
FILED

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No.

IN THE

# Supreme Court of the United States

ERIC HOGGATT, DDS, PETITIONER

*v.*

YOUTH COURT OF ADAMS COUNTY

*PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI*

## PETITION FOR WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

1. Does the federal constitution guarantee a right of privacy that abrogates a parent's fundamental right to care for his children, or that may supercede a parent's right to due process and equal protection of the laws, or rephrased, "Does the federal constitutional guarantee a right to hurt someone secretly ?" (Why *Roe v. Wade* was wrongly decided)

2. Since it is undisputed and fully substantiated in the record, that "at no time that the Mississippi Court purported to assert jurisdiction over the family of Eric and Victoria Hoggatt to make initial and subsequent custody determinations of their minor child, did the Mississippi court meet the requirements of the Uniform Child Custody Jurisdiction Act", as "*neither 'custodian', child, nor fit parents resided in Mississippi,* nor had any significant connection with Mississippi, *at any point in the entire Mississippi proceedings*", are all orders and proceedings in the Mississippi cause void ab initio for want of jurisdiction, and therefore fully disclosable to Petitioners Eric and Victoria Hoggatt, and to prosecutors and to disciplinary bodies, and available for civil suit at law?

3. May a Mississippi court evade prosecution for deprivation of rights under color of law by denial of access to records to non-resident parents by holding that Mississippi youth court records are confidential?

4. May Mississippi, consistent with the Due Process and Equal Protection Clauses of the Fourteenth Amendment, deny fit non-resident parents, appellate review of a record of sufficient completeness to permit proper appellate consideration of their claim raised in Hoggatts' Petition for Disclosure here on appeal and argued on the record, that Mississippi lacked jurisdiction to make an initial or any subsequent custody determination stripping them of

custody of their minor child (who was also not a Mississippi resident)?

5. Does a Mississippi youth court's assertion of jurisdiction over a New York family to issue multiple custody decrees stripping parents of custody of their minor child, and awarding the minor to the custody of a Louisiana relative, without compliance with the Compact on Interstate Placement of Children or the Uniform Child Custody Jurisdiction Act violate a requirement or standard of fairness which a court's assertion of subject matter jurisdiction over child custody matters of a nonresident family must meet in order to avoid a violation of the parents' right to due process of law and equal protection of the laws?

6. After asserting it has jurisdiction to make multiple custody determinations over a non-resident child of fit happily married, non-resident parents, can a Mississippi youth court sidestep a challenge to it's jurisdiction to alter custody of a non-resident child, which challenge was clearly stated in the Petition for Disclosure and Release of Records, first filed January 29, 2003, and the denial of which is hereby appealed, by filing, the day before the Petition was to be heard, a surprise Motion to Vacate Durable Legal Custody without notice to Parents, then "rule" on Parents' Petition for Disclosure the day before hearing it, and then declare the issue of jurisdiction moot, by reason of its 'surprise' motion, because it has 'terminated jurisdiction', though in fact Mississippi asserted it had jurisdiction until the May 2, 2003 entry of a "Order Granting in Part and Denying in Part the Motion for Disclosure and Granting the Motion to Terminate the Durable Legal Custody"?

7. Did the trial court err when it ruled as inadmissible evidence of bias and interest of witness Manfred Eidt, Guardian ad Litem, specifically that disclosure was also sought for purposes of investigation and prosecution of civil

rights violations by Mississippi Judge John Hudson, the Youth Court of Adams County, and Manfred Eidt himself (R 101)?

8. Did the Mississippi trial court err when it ruled as inadmissible evidence of criminal activity of the non-resident relative whom the Mississippi court alleged to appoint custodian of the Hoggatts' non-resident minor child?

9. Did the trial court err when it ruled inadmissible legally audiotaped prior statements submitted as evidence for the purpose of impeachment of testimony of the minor, the guardian ad litem, and of witness Isaiah Hoggatt?

10. Citing privacy rights of minors as to youth court records, may a Youth Court judge, consistent with the Due Process and Equal Protection Clauses of the Fourteenth Amendment, deny a fit non-resident parent his right to choose the content of the record for appeal as provided by M.R.A.P. 10 (b) (1), and then the trial court judge himself designate the record for appeal, omitting the police report, the originating youth court petition, transcripts of the initial and two subsequent hearings, and even all CASA and Mississippi Department of Human Services records that were, per the court, "documents, reports, and...investigations which are to be considered by this court, at this hearing", in clear violation of M.R.A.P. 10 (f)

> **Limit on Authority to Add to or Subtract From the Record.** Nothing in this rule shall be construed as empowering the parties or any court to add to or subtract from the record except insofar as may be necessary to convey a fair, accurate, and complete account of what transpired in the trial court with respect to those issues that are the bases of appeal?

11. Are youth courts bound by injunctions contained in the Uniform Child Custody Jurisdiction Act (hereinafter UCCJA), the Uniform Child Custody Jurisdiction and Enforcement Act, and the Compact for the Interstate Placement of Minors ?

12. May a Mississippi Court deny fit non-resident parents a hearing on the merits of their January 28, 2003 Petition for Disclosure which outlined detailed compelling circumstances affecting the health and safety of at least three children, and stated why disclosure was necessary to protect not only WNH, but also his cousin, the sexual assault victim, and the minor's little sister (CP 23,24, 29-31, 35) brought under Miss. Code Ann. 43-21-261 (G), by filing, the day before the Petition for Disclosure was to be heard, a surprise Motion to Vacate Durable Legal Custody without notice to Parents, then 'ruling' on Parents' Petition the day before hearing it (CP 4), and then declaring when the Hoggatts arrived March 6, 2003 for the hearing set on Disclosure "...the only issue before the court is whether it is going to continue jurisdiction in this case. That's the only issue..." (CP 22), by reason of its March 5, 2003 "surprise" motion?

13. Does Miss. Code Ann. § 43-21-261 as to privacy rights of minors, as applied or per se, unconstitutionally infringe on Hoggatts' fundamental right to rear their children as well as their rights to equal protection and due process of law, free press, and freedom of speech?

14. Does the Mississippi youth court's order forbidding "having the record" for inspection of the transcribed court record for appeal, as provided by Mississippi Rules of Appellate Procedure, and the Mississippi judge's requirement that non-resident Parents and any attorney for them may view the appellate record only in the offices of the Supreme Court of Mississippi, presumably without

opportunity to certify to the correctness of the record, as required by M.R.A.P. 10 (5), and to propose corrections, a right guaranteed all appellants in the state of Mississippi, violate the Hoggatts' right of due process of law and equal protection under the law (R 204)?

15. As to a finding of Mootness, does a case in controversy exist that demonstrates a compelling current need for disclosure of Mississippi youth court records and a that warrants review of the Due Process implications of the Mississippi youth court's assertion of child custody jurisdiction over non-residents?

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## OPINIONS BELOW

There are no reported opinions below. The alleged custody decrees issued by the Adams County Court, Youth Court Division (hereinafter Mississippi Youth Court) beginning September 2, 2000, and including the Mississippi Youth Court's **Order Granting in Part and Denying in Part the Motion for Disclosure and Granting the Motion to Terminate the Durable Legal Custody** entered May 2, 2003,are unreported. The opinion of the Mississippi Youth Court's Order styled Order Designating the Record, whereby the trial judge substituted his own Designation of the Record for the Hoggatt's customary designation of the record for appeal, in violation of the Mississippi Rules of Appellate Procedure, is not only not reported, but was not entered on the trial docket, as required by law, nor was the Hoggatts' Notice of Appeal of such order sent to the Mississippi Supreme Court, as required by law.

November 17, 2003, Eric and Victoria Hoggatt Petitioned the Mississippi Supreme for an Emergency Writ of Special Assistance and Other Extraordinary Collateral Relief that asked for supplementation of the record and discipline of the Mississippi Youth Court Judge, Clerk, and prosecutor pursuant to "Pursuant to M.R.A. P. Rules 2 (b) and 46 (d) "that the Mississippi Supreme Court take appropriate disciplinary action against Judge Hudson and youth court attorneys Vivian Brown-Toussaint and Philip LeTard, for conduct unbecoming members of the bar", and prayed pursuant to M. R. A. P. 2 (b), that the "Supreme Court impose such sanctions as may be appropriate on Appellee Court, trial court clerk, and prosecutor for failure to comply with M. R. A. P. Rules 10 and 11."

The February 12, 2004 order of the Mississippi Supreme Court denying the Hoggatts' Petition for Emergency Writ of Special Assistance and Other Extraordinary Collateral Relief is unreported.

The May 24, 2005 Mississippi Court of Appeals order which dismissed as moot the Hoggatts' appeal of both jurisdiction and the Adams County Youth Court's denial of disclosure of youth court records as moot is unreported.

No appellate court ruled on the federal questions presented, though they are posed clearly and extensively in the pleadings and on the record. The Youth Court Division of the Adams County Court was the highest state court to rule on the Hoggatts' PETITION FOR INSPECTION OF RECORDS AND RELEASE OF RECORDS), which timely assailed jurisdiction and documented egregious Due Process and Equal Protection violations.

No court ever ruled on the Hoggatts' appeal of the trial judge's Order Designating the Record, because the Clerk of the Adams County Youth Court did not send the timely filed Notice of Appeal for over fourteen months, and by that time, perhaps the Mississippi Supreme Court did not feel disposed to Notice the Appeal of the trial judge's Order Designating the Record.

## JURSIDICTION

Mississippi Youth Court Orders purporting to alter custody of Petitioners' child were alleged to have been entered from September 15, 2000 until May 2, 2003, the constitutionality as to jurisdiction and denial of due process and equal protection of all of which were timely assailed. Notice of Appeal of the Mississippi court's Order Granting in Part and Denying in Part the Motion for Disclosure and Granting the Motion to Terminate the Durable Legal Custody was timely filed on April 7, 2003. The Mississippi youth court did not like the appellant's Designation of Record, and entered its own Order Designating Record on July 10, 2003, which was not entered on the docket.

The Hoggatts' July 18, 2003 Notice of Appeal of the Mississippi trial court's Order Designating the Record was timely filed, but not conveyed by the trial court to the

Mississippi Supreme Court for over a year, on or about September 1, 2004, at which time the Mississippi Supreme Court Clerk obligingly file stamped the Notice of Appeal of the Mississippi trial court's Order Designating the Record July 18, 2003, as if it had been transmitted to the appellate court the day the Notice of Appeal was filed in the trial court, and filed in the Mississippi Supreme Court on July 18, 2003, a fact not discoverable until the Mississippi Supreme Court Clerk transmitted the youth court record by U. S. Mail in January of 2006 for attorney Victoria Hoggatt to prepare this Petition for Writ of Certiorari to the United States Supreme Court. The certified docket of the Mississippi Supreme Court doesn't list the Notice of Appeal of the trial court's Order Designating Record as filed on either July 18, 2003, September 1, 2004, or on any other date, though it is stamped "Filed Office of the Supreme Court Clerk July 18, 2003". This fact shows that disclosure of Mississippi youth court records is not moot for purposes of facilitating current criminal prosecution of public officials.

The decision of the Mississippi Supreme Court denying the Hoggatts' Petition to the Mississippi Supreme Court for an Emergency Writ of Special Assistance and Other Extraordinary Collateral Relief was entered on February 12, 2004. On January 18, 2005, the Mississippi Supreme Court assigned the appeal to the Mississippi Court of Appeals. On the April 8, 2005, over the objection of the Mississippi Attorney General, the Mississippi Court of Appeals granted Oral Argument, and on May 2, 2005, the Mississippi Court of Appeals un-granted Oral Argument. The decision of the Mississippi Court of Appeals dismissing the case on its own motion as moot was entered on May 24, 2005. A timely Motion for Rehearing was denied August 23, 2005. The decision of the Mississippi Supreme Court denying the Hoggatts' Petition for Writ of Certiorari was entered on January 12, 2006.

Jurisdiction of this Court exists under 28 U.S.C. § 1257(a).

Petitioners Eric Hoggatt, DDS and Victoria Hoggatt, attorney at law, WNH's natural fit parents, pray that the Supreme Court grant a writ of certiorari to review the judgment of the court below, which dismissed the Hoggatts' appeal of Mississippi's assertion of jurisdiction over a non-resident family to make initial and any subsequent custody determinations, and denied of disclosure and release of Mississippi youth court records as moot, and in support thereof would show the following:

Facts and law support a finding that disclosure and release of youth court records is the sort that the Court should grant, as the record clearly presents a pressing concern of safety and welfare of the entire Hoggatt family.

The Petition for Disclosure and Release of Records, essential to an understanding of the issues raised, is submitted in the Appendix, with those of those of its exhibits that could be reproduced. The statement of the case is choppy, as it is almost verbatim a compilation of excerpts from the record, that the Court may easily verify that all citations to the record are accurate, that the issues are properly before the Court at this time, and that disclosure in the instant cause is of the sort the Court ought authorize.

**RELEVANT PROVISIONS INVOLVED** (see Appendix)

**STATEMENT**

A. Criminal activity of Mississippi officials in concert with citizens of Louisiana, Virginia, and Texas alleged in the Petition for Disclosure

> Andrew Allbritton, Jr. is wanted for allegedly committing a sexual offense upon an eight year old child in Wisner, Louisiana. On January 18, 1996, the child's mother left the child in Allbritton's care for one night during which time the crime occurred. Several days later the child told her parents about the

incident. After the child was examined by a physician and an investigation was conducted by local law enforcement authorities, Allbritton was charged with aggravated incest. (CP 98)

"Agent Nathan Songer was the agent over the UFAP warrant investigation of Andrew Allbritton, Jr. from date of issue of UFAP warrant until reassignment to the Terrorism unit recently. "( CP 98) ..."Petitioners [Eric and Victoria Hoggatt], ... were then currently (prior to either hearing [ in the Mississippi court ] in August and September .... 2000), providing information to assist the Investigator with the Franklin Parish, Louisiana Sheriff's Office, Tim Pylant, responsible for the apprehension of one Andrew J. Allbritton, and also the Federal Bureau of Investigation Agent Nathan Songer, Monroe Louisiana. Parents [Eric and Victoria Hoggatt] had provided information by telephone conversation concerning Wilton and Mamae Hoggatt's aiding and abetting Andrew J. Allbritton's Interstate Flight to Avoid Prosecution, Wilton and Mamae Hoggatt's telling them of lying to the FBI about his whereabouts, and Wilton and Mamae Hoggatt's telling Petitioner's about lying to the FBI about sending the fugitive tens of thousands of dollars over a period of years." ( CP 98)..."Eric [Hoggatt] was there when Mr. [Wilton] Hoggatt first went down to the jail, when A.J. [Allbritton] was arrested. The Sheriff asked him if he knew what A.J. did. He said, "I think so." The sheriff told him that they were almost certain that he did what he was accused of, as there was physical evidence from a medical exam, and that when they went to arrest A.J. that he didn't act surprised or angry, or put up a fuss.

The sheriff asked Mr. [Wilton] Hoggatt not to bail him out. He said that A.J. knew what prison was like, and that he would run to Mexico. For his dad, Eric climbed through the window of A.J.'s trailer that night to get some clothes to take back to the jail for A.J.....Mr. Hoggatt told Eric that his nephew, Mike Allbritton had come to him when he found out what A.J. did, and asked him to go and confront his dad. He said that Mike told him that years before his sister told him that their father, A.J., had molested her, but that Mike had told her he didn't want to hear about it, and didn't believe it. (then) Mr. [Wilton] Hoggatt [father of Petitioner Eric Hoggatt] said he told Mike [Allbritton, father of the incest victim] that if they all just left it alone, it might blow over. Later Mr. [Wilton] Hoggatt told Eric that he had heard other accounts of A.J. molesting another little girl previous to this. Over a period of years, Eric's dad would say other things to him about A.J. He said that A.J. came to them and said he didn't do it, but that he thought he would be convicted if tried, and that he was going to Mexico, and that he wanted them to buy his eighty acres and send him the money. They said they sent the money through A.J.'s and Mrs. Hoggatt's sister, Daphne Woods. Another sister, Nancy, was mentioned.

Most recently, they told Eric that they were about to make their last payment. Mr. Hoggatt told him that the FBI had come by, but that they told him they knew nothing. It was our understanding that the Hoggatts thought that the FBI somehow found out about some money being sent to Texas, and thought they may have something to do with it....Mrs. [Wilton] Hoggatt said that they had received a postcard from A.J. in Mexico on the beach, with a picture looking drunk with some other folks. They

also told us that Mike was just out to get A.J.'s land. That, alternated with crying about how horrible it was to have a brother that would do such a thing. Interestingly, all Eric's life they had told him of the drugged or drunken driving and sexually depraved activity A.J. was involved in....Eventually, Eric knew enough that his silence, to me, constituted complicity, because what he knew would result in A.J. [Allbritton] 's arrest if acted upon. Over a year ago [this letter was written in December of 2000, meaning letter was written November of 1999], I wrote my in - laws a long letter that basically said

1) That they had been known in the community all their lives as people of honesty and integrity, and shouldn't involve themselves in this thing. That as their daughter - in - law and a lawyer, I felt obligated to apprise them of the fact that it was a state and federal crime to aid and abet A.J.'s fleeing prosecution.
2) That from what I had read of child molesters, that they continued until finally they killed some little child.
3) That since we had a six - year - old little girl, Sascha, I could never forgive myself if anything like that happened to Sascha, or if A.J. profoundly hurt some other little girl and I had never encouraged them to do all they could to help him be found.

...If Mr. Hoggatt understands that what he told Eric would be admissible into evidence under the "admission against interest" exception to the hearsay rule, he may be instrumental in bringing the matter to closure....Perhaps the most convincing fact to get him [Wilton Hoggatt of Louisiana] to cooperate would be letting him know of the likelihood of losing the 80 acres if convicted of conspiracy. They don't think anyone will ever do anything about it....It's fine with me if the [Wilton]

Hoggatts are shown this letter to facilitate this investigation. ... Even A.J [Allbritton] could do what he was taught in his 12 step program, that being honest about the harm you've done, and making amends to the extent possible is the beginning of sobriety. That's all we know, and we'll help anyway we can." (Exhibit L-1, Eric and Victoria Hoggatt's letter supplied to Tim Pylant of the Franklin Parish Sheriff's Office and FBI Agent Nathan Songer in the year 2000. This was the [same] information given to both of them by telephone in August of 2000. Both officers later said in the year 2001 that they had not received the letter. Another copy was sent by certified mail. Exhibit L-2 Signed Return Receipt dated December 6, 2001 from Tim Pylant. L-3 signed Return Receipt dated December 7, 2001 from Nathan Songer. (CP 99-104)

> "... Donna Hoggatt Rombs [and] Tessa Hoggatt Albritton say that Wilton Hoggatt and Mamae Hoggatt told them that they (Wilton and Mae Hoggatt) told "the FBI agent" everything they had sent A.J. [Allbritton], of their contact with him, and that "the FBI agent" said, "What kind of man would turn his own *father* in to the FBI?!" and assured them that they wouldn't get in "*any* trouble" at all, if they did nothing "further". Micah Hoggatt says that he "heard her (Donna [Hoggatt Rombs]) say that several times". (CP 38)

[S]everal weeks before Eric talked to the FBI, he wrote a letter to his Dad, encouraging him to extricate himself from his involvement in the deal, and to cooperate to help Mike Albritton's family, and to protect other little girls. The [Wilton and Mamae ]Hoggatts do tell Daphne [Allbritton Woods] that they don't want to know where A.J. is. It was Eric's hope that he could appeal to his Dad cooperate of his own volition.

Wilton Hoggatt and ... Relatives are growing ever more hostile towards [Eric and Victoria Hoggatt] , as the investigation of Wilton Hoggatt's continuing criminal involvement with Andrew Allbritton, Jr. concerning the Aggravated Incest, Third Offense DWI, and Federal UFAP charge continues. (CP 41)

Warren Johnson, Dorothy Johnson, Isaiah Hoggatt, and Craig Johnson in Virginia acted in concert with Donna Hoggatt Rombs in Texas and Wilton Hoggatt in Louisiana to commit years of criminal activity against the Eric Hoggatt family, including kidnapping their minor child, Micah Hoggatt, from the family's home in New York. The Petition for Disclosure and affidavits of Shari Johnson in Virginia speak of efforts to have egregious criminal acts of extended family members that boast of their intent to "pluck the children" from their parents "one by one" prosecuted for years. (CP 33-35)

On or about August 19, 2000, Warren Johnson and Isaiah Hoggatt, then in Virginia acted in concert with Craig Johnson, brother of Attorney [Victoria Hoggatt]. On or about August 19, 2000 at approximately 5:00 p.m., Craig Johnson from Virginia bought the minor a hotel room and supplied him with a credit card number which he used to order out Pizza, at the Day's Inn in Natchez, Mississippi, where all of the Relatives knew that the family already had a room. Said Relatives did so in full knowledge that Warren Johnson, Isaiah Hoggatt, Donna Hoggatt Rombs, Ronnie Rombs, and Craig Johnson were acting in violation of the laws of Texas, Virginia, and Mississippi. (CP )

[Donna Hoggatt] Rombs agreed to help Warren Noah Hoggatt, minor child of Eric and Victoria Hoggatt, absent himself from the care and custody of his parents without their permission, knowing they were acting in very strong opposition to the wishes of the parents, and in violation of the laws of both Texas and Mississippi, and agreed to keep Noah Hoggatt, then 16 years old, just having

finished his sophomore year in high school, for his junior and senior year of high school in Alvin, Texas. (CP 20)

August 20, 2000, Eric and Victoria Hoggatt called the Natchez, Mississippi police to seek police protection but "A request for detention was not signed by Eric [Hoggatt], because Noah has yet not made an attempt to flee." (58),

MCA § 3-23-7 Provides that Before making a decree under this chapter, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child.

On or about September 7, 2000, Mississippi Youth Court Prosecutor Vivian Brown-Toussaint filed an fraudulent petition styled "State of Mississippi County of Adams" "In the Youth Court Division of the County Court", stating "the above named child [WHN] resides within the said county and under the care, custody, and control of his parents, Eric and Victoria Hoggatt", when in fact the address given for both parents and child on the same form was "172 Cornwall Hill Road, Patterson, New York" and in fact, by September 25, 2000, the "Child had at the time of the dispositional hearing been living with Wilton and Mamae Hoggatt for a period of about a month and a half, in Louisiana, [and] had started school ". In the same fraudulent document filed by Prosecutor Toussaint, Mississippi Judge John Hudson signed a directive that process issue to the parents, Eric and Victoria Hoggatt, and is returnable by "10:30 a.m." the same day. The fraudulent petition wasn't even filed until September 8, 2000 (1st Docket), yet the Mississippi Youth court issued a custody order based upon on it, September 7, 2000, that stated that "the child would be removed from the custody of his parents, and that "Said Wilton and May Hoggatt shall immediately enroll the child in school." A purported adjudicatory order was signed September 7, 2000, but not filed until December 5, 2000. (1st Docket),

At all times subsequent to September 7, 2000, the Mississippi youth court Judge John Hudson ordered Circuit Clerk M.L. Vines to not to notify the parents of entry of any order or document filed in the cause, or allow them to inspect anything, including the youth court prosecutors' fraudulent document that purported to initiate the cause. As to mootness for purposes of criminal prosecution, the fraudulent September 7, 2000 document filed by the Mississippi youth court prosecutor and signed by Judge John Hudson was not discoverable until the Mississippi Supreme Court Clerk transmitted it in the youth court record by U. S. Mail in January of 2006 for attorney Victoria Hoggatt to prepare this Petition for Writ of Certiorari to the United States Supreme Court. Eric and Victoria Hoggatt, though assailing child custody jurisdiction and seeking inspection for years, had never been permitted by the Mississippi youth court to inspect that document. It was only in the box because Mrs. Betty Sephton, the Mississippi Supreme Court Clerk, had asked for a certified copy of the civil filing sheet, as it is just odd to get a case on appeal with no originating documents, just orders. "please provide the following information by June 9, 2003 for the above styled and numbered case in order that we may more accurately process the notice of appeal we have received from you". Then the Supreme Court Clerk says in all caps, "THIS INFORMATION SHOULD BE PROVIDED WITH ALL NOTICES OF APPEALS TRANSMITTED TO THE SUPREME COURT." (App., infra, ) ; along about July 23,2003, Circuit Clerk M.L Vines decided to send the original petition in. (App., infra,)

Both the Mississippi Attorney General (hereinafter Attorney General), and the Mississippi Judge knew that Mississippi did not have legal authority to transfer Eric and Victoria Hoggatt's 16 year old son out of state, even if he had been a Mississippi child of Mississippi parents, without following the Compact for the placement of Minors. In the response to the Mississippi Judge's requested opinion from

the Mississippi Attorney General, the Mississippi Attorney General (Opinion's Division) stated in a published formal opinion May 26, 1999 that pursuant to a youth court order, "that there is no authority for sheriffs to transport children to out-of-state facilities." (Miss. Atty. General) The Mississippi Judge and Attorney General also knew that the injunctions contained in the UCCJA prohibited a child custody determination by any judge, unless the state is the child's home state for the preceding six months, or there is some significant connection with the state of Mississippi.

Though the Mississippi youth court judge stated on legally recorded audiotape on December 28, 2001 that attorney Victoria Hoggatt could come to Natchez, Mississippi and view all orders, social services (MDHS) and other documents in the youth court file, when she did so travel to Natchez, the Mississippi judge directed that his clerk, M.L. Vines, was to deny inspection by the parents, or any attorney for them, of any order, all MDHS and CASA records in the cause, even orders setting hearings, in violation of the Mississippi youth court statutes, and directed all MDHS caseworkers to not even speak to Eric and Victoria Hoggatt (CP 21, 32, 37).

After such denial of inspection, on or about January 17, 2003, Judge Hudson directed attorney Victoria Hoggatt that she must file a Petition stating it would be in the best interest of fit parents to view any youth court files, placing an unconstitutional burden of proof on a fit parent, in violation of the stated doctrine of *Troxel et vir v. Granville,* 530 U.S. 57 (2000).

At this point, the Hoggatt's again contacted local prosecutors and sent the entire Petition for Disclosure to the Mississippi Attorney General "so that the .....Attorney General for the State Mississippi may make a ruling" (CP 9) , after which all state employees went completely mum.

The Mississippi court clerk. M. L. Vines, threatened to "call the sheriff to have you removed" when the sexual assault victim accompanied her mother, Marisa Allbritton,

who came to Vines' office to have her affidavit to the Petition for Disclosure notarized. (CP 43)

Wilton and Mamae Hoggatt were extremely angry at Petitioners at the time of the both initial hearings, adjudicatory and dispositional, and ... Relatives are outraged at Petitioners' cooperation with law enforcement officials, .....Wilton and Mamae Hoggatt came into the Adams County Youth Court courtroom in September of 2000, for the purpose of witness intimidation and obstruction of justice. Wilton and Mamae Hoggatt wanted to show Parents [Eric and Victoria Hoggatt] what would happen to them if they did serve as Federal witnesses. The concerted efforts of said Relatives was to demonstrate the humiliation and pain that would be caused to Parents if they ever did testify, that they would not be believed, and that all Relatives would show up to defame Parents' character. This concerted and criminal action was performed in order intimidate federal and state witnesses, namely Petitioners, who were then currently (prior to either hearing in August and September 2000 [in the Mississippi youth court], providing information to assist the Investigator with the Franklin Parish, Louisiana Sheriff's Office, Tim Pylant, responsible for the apprehension of one Andrew J. Allbritton, and also the Federal Bureau of Investigation Agent Nathan Songer, Monroe Louisiana. (CP 42)

Wilton Hoggatt could not bring himself initially to respond *at all* to Judge Hudson's attempt to elicit a "yes", that Wilton Hoggatt would support the reunification of the family of Eric and Victoria Hoggatt .... because he was in the Youth Court of Adams County for the express design of separating the minor child, Warren Noah Hoggatt, from the physical custody and natural familial affections of his Parents, and from the love, supervision, oversight, training, custody, care, and nurture of Petitioners, his God given fit parents, in order to present the minor to law enforcement officials to damage the credibility of federal witnesses, to obstruct justice, and escape prosecution for criminal acts that he was then, and is

now continuing to commit, involving children of Petitioners. (CP 50)

Judge John Hudson is trying to stonewall, because he knows egregious due process and civil rights violations are in the record. There is scarcely a Constitutional right he did not violate, and no one made him do it or to say those things. (CP 49)

Years of criminal conduct of the Mississippi youth court as to notice, opportunity to be heard, and right to subpoena witnesses, is documented in the Petition for Disclosure, on the court transcript record proper, and continuing criminal conduct was sent to the Mississippi Supreme Court in a Petition for a Writ of Emergency Assistance asking for discipline of the attorneys that were continuing to frustrate this appeal. Two egregious examples are duplicated here to show that alleged criminal conduct of the Youth Court of Adams County is not "outside the record". The two "true and accurate dockets", filed with the Mississippi Supreme Court by the trial court indicate a pattern of illegal conduct.

The first docket sent to the Mississippi Supreme Court on the appeal of an order entered May 2, 2003, had no subpoena requests from the parents listed. (1st Docket) The docket filed over one year later reveals for the first time that subpoenas were twice requested by the parents, but no issuance of the subpoenas nor return of subpoenas was noted on the second docket for those subpoenas.

4/27/2003 REQUEST FROM ATTY VICTORIA HOGGATT FOR SUBPOENAS TO BE ISSUED FOR HEARING ON APIRL[sic] 1 at 9:00 (2nd Docket, Page 1, entry 21)

7/05/2003 LETTER FROM ATTY HOGGATT ADVISING THAT T.K. WATSON IS GOING TO REVIEW THE FILE AND ASSIST IN ARGUING OF MOTION OBJECTING TO DESIGNATION OF RECORD WITH LIST OF WITNESSES TO BE SUBPOENED. (2nd Docket,)

Pointedly, the certified court record alleges why, that Judge John Hudson directed the Circuit Clerk not to issue Dr. Hoggatt's subpoenas.

> MRS. HOGGATT: Oh. Well, anyway, so you're - - well, we aren't going to talk about your secretary said. In the court file I have a – a – um, legal request for witnesses that could come into this courtroom, this lady being one of them, Manfred Eidt being one of them, and one person told me that you told, called - -
>
> MR. LETARD: - - Objection, your Honor, to the hearsay.
>
> MRS. HOGGATT: - - the Circuit Clerk and told them to go ahead - -
>
> THE COURT: - - Sustain the objection.
>
> MRS. HOGGATT: Why were my subpoenas - - and then **I was told that you said not to issue my subpoenas.**
>
> MR. LETARD: - - Objection, your Honor, to the hearsay.
>
> MRS. TOUSSAINT: Objection.
>
> THE COURT: Sustain the objection. And that's not true. Go ahead.
>
> MRS. HOGGATT: Why were they not issued?
>
> THE COURT: I sustained the objection. (R 204)

As a second example, the record reveals multiple rejected proffers of evidence by the Hoggatts including audiotaped conversations offered to show that CASA Guardian ad Litem Manfred Eidt (R 83-84), witnesses Isaiah Hoggatt (R 164-166), and Court Appointed Attorney Philip LeTard (R 174-

177), , and W.N.H. (R 112-113), were then committing perjury, which ought to suffice to permit an inference that investigation to facilitate criminal and civil prosecutions would be obstructed by non-disclosure.

All youth court officers, *at the suggestion of the trial court judge*, even *stipulated* that W.N.H. made prior inconsistent statements that were offered into evidence to show that the minor was then committing perjury, all in an effort to make sure that the minor's defense of his grandfather's, Wilton Hoggatt's, assistance to the Aggravated Incest perpetrator would not be included on the record.

> **W.N.H. on cross by Victoria Hoggatt**
> **Line 29** Q. You did not say that? (R 106)
> **Line 1** A. I did not say that. (R 107)
> **Line 15 Mrs. Hoggatt:** - - Your Honor, I would like to admit into evidence, uh and I can play it anywhere you'd like, for any part of the hearing you'd like, to show that this in N.'s attitude, and that – that he did say that, that he is now committing perjury, which is a serious thing that some grandfather would play upon the love and trust of children to ruin and twist their minds.... (R 107)
> **Line 26 Mrs. Hoggatt**: The tape says what I have just said, that N. said, yes, have the - - oh, sure, mom, just have the FBI come make a clean sweep of all of us - - when he's talking about - - also about his, uh, grandfather's participation in the - - Andrew Allbritton affairs ...(R 107)
> **Line 26 The Court**: What is this - - what is this - - what does the - - what does the tape purport to say? (R 108)
> **Line 7 The Court:** So you're making an offer of proof. Do you have any objection to that offer of proof being - -

**[Court appointed attorney for W.N.H.]Mr. LeTard:** - - No, sir.

**The Court**: - - what was actually said so we don't have to go listen to a tape?

**Mr. LeTard:** No, sir.

**The Court: OK.** Go ahead.

**Mrs. Hoggatt**: Now you are saying I can admit into evidence the tape?

**The Court:** I'm saying there's no need to because they're accepting that - - accepting your version of what was said as what was said.

**Mrs. Hoggatt:** Well…

**The Court:** Why you need a tape - -

**Mrs. Hoggatt**: - - Who's accepting my version of what was said?

**The Court:** Everybody at the table.

**Mrs. Toussaint [youth court prosecutor]:** Yes.

**Mrs. Hoggatt**: They - - you all believe that he said, "Tell the FBI to come, make a clean sweep of all of us"?

**The Court:** For the purpose of this hearing they're saying that –

**Mr. LeTard:** - - For the purpose of this hearing, if that's what you said that's what the tape said, we'll acknowledge that.

**Mrs. Toussaint [youth court prosecutor]:** We'll accept that.

**Mrs. Hoggatt**: Okey-doke.

**Mr. LeTard:** OK. And that's just so that we can get as much done as we can, So we're willing to accept - - (R 110-111)

**Mrs. Hoggatt**: Okay, your Honor, I would like to admit into evidence the conversation that N. does defend the, un, the aggravated incest and the cover up and the sending money because we keep saying there's no evidence, but N., himself, gave the evidence, whether or

not N. has been affected, whether or not N. is defending it.

**The Court:** Is this the conversation that – is this a tape that has been given to Mr. - - uh, Mr. Eidt?

**Mrs. Hoggatt:** No, sir.

**The Court:** Oh, this is another tape?

**Mrs. Hoggatt:** Yes, sir.

**Mr. LeTard**: Your Honor, I think - - I don't think Mrs. Hoggatt has, uh, complied with the rules of impeachment. I don't think the tapes themselves are admissible evidence. (R 153)

**Statement B. The Character and Reputation of Petitioners and their Children was always known to Mississippi Department of Human Services and the Mississippi Court** Letters from school counselor and family friends. (App., *infra*)

## REASONS FOR GRANTING THE PETITION

**A. Mississippi flagrantly disregarded the announced doctrine of *M. L. B. v. S. L. J.*, 519 U.S. 102 (1996) as to a parent's right to an appellate record of "sufficient completeness" to afford proper appellate consideration of their claims.** The Constitutional question posed in the first issue of the Appellant's principal brief, whether a *trial judge himself* may designate the appellate record, choosing the record the appellate court will hear, is a matter of public policy that begs for hearing on the merits. Allowing the fox to be in charge of the hen house clearly violates the Hoggatt's right to due process of law and equal protection of the laws. At no time in the history of Mississippi jurisprudence has the trial judge been allowed to violate the clear injunction of MRAP Rule 10, to-wit:

> **(f) Limit on Authority to Add to or Subtract From the Record.** Nothing in this rule shall be construed as empowering the parties *or any court* to add to or

> subtract from the record except insofar as may be necessary to convey a fair, accurate, and complete account of what transpired in the trial court with respect to those issues that are the bases of appeal.[emphasis added]

The Hoggatts' son is one child, the Mississippi youth court matter is one cause. Youth court records are defined by statute and include all records in the cause, including social service records, the docket, and orders. (MCA§ 43-21-251) The United States Supreme Court stated, "Only a transcript can reveal the sufficiency, or insufficiency, of the evidence to support that stern judgment." *M. L. B. v. S. L. J., individually and as next friend of the minor children, S. L.* 519 US 102 (1996). Transferring custody of a child 1000 miles away from his home and family, to persons that do not believe the child should have a relationship with his parents,

**W. E. Hoggatt [court appointed 'Custodian'] on Cross Examination**

> **Q.** "Do you think N. would benefit from having counseling that would enable him to have a normal family relationship with his mom and dad like he once had?"
>
> **A.** Repeat that again?
>
> **Q.** "Do you think it would benefit N.H. to have counseling that would help him establish or re-establish a normal, familial relationship with his mother?"
>
> **A.** No.
>
> **Q.** Why not?
>
> **A.** I don't have to give a reason" (R 135),

with no allegation of harm to the child or unfitness of parents, is certainly a "stern judgment." Hoggatts cannot be denied appellate review " to defend against the State's destruction of ... family bonds, and to resist the brand associated with" a public perception of a parental unfitness adjudication that naturally devolves from court ordered

removal of custody of one's child. "Like a defendant resisting criminal conviction", the Hoggatts should be spared "from the State's devastatingly adverse action." M.L.B., supra.

**B. The Decision is wrong in light of Mississippi Supreme Court precedent as to mootness of wrongly asserted child custody jurisdiction.** Curtis v. Curtis, 574 So. 2d 24 (Miss.1990) cited in the principal brief is exactly on point, that if a court wrongfully asserts subject matter jurisdiction over non-resident custody matters, that the court does not have jurisdiction to make a custody determination, no matter how long it asserts that it does. Period. Not even to issue a termination of durable custody. It cannot "terminate jurisdiction" it never legally had. All custody orders were not worth the paper they were written on, but are void ab initio.

Additionally, jurisdiction is a legal question, and logically, the Mississippi Supreme Court could not conduct the de novo review afforded legal questions (*Harrison County v. City of Gulfport*, 557 So. 2d 780, 784 (Miss. 1990) and apply the appropriate standard of review without a record of 'sufficient completeness' to permit proper consideration of Hoggatts' claim that the Mississippi youth court had no basis for assertion of initial and subsequent subject matter jurisdiction to issue a custody decree in this cause. Subject matter jurisdiction turns on the well-pleaded allegations of the complaint. *Reynolds v. Mississippi Wood, Inc.*, 481 Southern 2nd, 292, 296 (Miss. 1985). The trial court's presumption that the trial judge may legally abrogate the Hoggatts' due process right to designate the record for appeal, and omit the original youth court complaint/petition, police report, all CASA and Mississippi Department of Human Services Records, and all transcripts of adjudicatory and dispositional hearings from the appellate record makes de novo review impossible.

The need for disclosure is not moot. Disclosure of records is both timely and absolutely necessary to prevent a gross miscarriage of justice to the family of Marisa Allbritton, Affiant to the Petition for Disclosure, whose daughter was the victim of Aggravated Incest. At the time of the filing of the Petition for Disclosure there existed a warrant for the arrest of Andrew J. Allbritton, Jr. for the commission of Aggravated Incest committed in Louisiana. (CP 97-98).

C. **The Court below erred in dismissing the cause requesting disclosure of the Mississippi youth Court records as moot.** A more pressing matter of public safety could scarcely be imagined than the apprehension of a fugitive wanted for Aggravated Incest, after the victim had attempted suicide over four years after the crime, and the involvement of the Hoggatts' children, including perjury, to protect the criminal conduct of Wilton Hoggatt, Eric Hoggatt's father, who was then aiding and abetting the fugitive for profit. Testimony to that fact was not "outside the record".

> **Eric Hoggatt on Direct (R 149, line 4)**
> **Mrs. Hoggatt**: Did your father perjure – did your mother perjure herself at N.'s custodial hearing?
> **Mr. LeTard**: Objection your Honor.
> **The Court**: Sustained.
> **Line 18 Mr. LeTard:** Objection your Honor. Assumes facts not in evidence.
> **Line 21 Mrs. Hoggatt**: Hmm. Did your father aid and abet Andrew Allbritton?
> **Line 22 Mr. LeTard:** Objection your Honor.
> **Mrs. Hoggatt:** He said there's no proof in evidence and the man - -
> **Mr. LeTard:** -- No facts in evidence.
> **The Court**: Into - - into - - you've got to have some factual - -

**Mrs. Hoggatt:** - - He was there. He – that's called testimony. He was there when his father told him.
**The Court**: We'll you didn't ask that. You asked a conclusion, you didn't ask a factual question.
**Mrs. Hoggatt:** Did your father tell you he was sending money through Daphne Woods to Andrew Allbritton?
**Eric Hoggatt:** Yes.
**Mrs. Hoggatt:** Did he tell you many times? (R page 147, line 29)
**Q.** …[D]id your father tell you that he sent money, tens of thousands of dollars, to Andrew Allbritton?
**Mr. LeTard:** Objection your Honor.
**The Court:** Sustained. (R 148, line 2)
**Q.** Has he knowledge of A.J. Allbritton's whereabouts today? Your father [Wilton Hoggatt]?
**A.** I'm sure he does. (R 148, lines 7-9)
**Mr. LeTard**: Objection your Honor
**The Court**: Sustained.

The Petition for Disclosure clearly set out that Wilton Hoggatt had from the time of the sham hearing in 2000 and at all times subsequent thereto, including at the time of filing of the Petition for Disclosure, utilized the Mississippi court proceedings to obstruct justice. Extensive testimony by the CASA Guardian ad Litem Manfred Eidt substantiates the truthfulness of those allegations (R 84-87), and Manfred Eidt's testimony also vividly illustrates the effectiveness of such efforts.

**Manfred Eidt, - direct by Mr. LeTard**

A. Yes, I spoke with Agent Nathan Songer, who is out of the Monroe FBI office. **(R 76 Line 12)** …He said, well, are we going to charge him with anything, he said, no, he said the Bureau is never going to charge Mr. Hoggatt for anything.

Audiotape evidence submitted to the trial court to prove Manfred Eidt was then committing perjury as to the parents' efforts to view custody decrees in person in October of 2001 was excluded by the Mississippi court. (R 82-83).

Disclosure is necessary for the health, welfare, and morals of WNH, and disclosure is essential to protect Dr. Hoggatt's family from further criminal assault. The danger to Sascha Hoggatt is not moot, but very real. (CP 20-24)

Likewise, the question of whether Mississippi Code, Section 93-23-33, granting a right to a custody decree, is abrogated by youth court statutes, remains unanswered, should the Hoggatt's again request them from Circuit Clerk M.L. Vines.

> MRS. HOGGATT: OK.... the statute that was cited, Mississippi Code, Section 93-23-33, states as follows - - I'm sure you're aware of it - - certified copies of custody decrees - - would you like me to read it ....?
>
> THE COURT: That's under another provision, it does not circumvent youth court statues.
>
> MRS. HOGGATT: Uh, well, "The clerk of the court of this state, at the request of another state or at the request of any person who is affected by or has a legitimate interest in a custody decree, shall certify and forward a copy of the decree to that court or person," and Binky [Adams County Circuit Clerk] told me that he would not give it to me because you had ordered him not to; is that true?
>
> THE COURT: Do you - - I - - I ordered - - I didn't - - I'm not going to answer your questions...(R 8-9)

A parents' fundamental right to the custody of his child, absent a showing of unfitness or harm, trumps a state best

interest governmental intrusion, thus a fit parent's right pursuant to MCA§ 93-23- 3 to have any custody decree that altered custody of his child, is not abrogated by "confidentiality" due child. *Troxel et vir v. Granville,* 530 U.S. 57 (2000)

Such an interpretation of MCA§ 43-21-261 also conflicts with MCA§ 11- 49-7, which provides," Every attorney or counselor at law, practicing in any court in this state, shall be allowed, at all reasonable times, to inspect the papers and records relating to any suit in such court in which he may be concerned as attorney or counsel, without being compelled to take copies thereof ".

Extensive record excerpts show that all parties in the youth court knew why parents wanted access to the records.

> **MRS. HOGGATT:** Manfred, did I warn you over a year ago that - that Judge Hudson had invited me to sue him for a civil rights violation and that to not -
> **MR. LETARD:** Objection to the form of the question. It's not relevant.
> **MRS. HOGGATT:** harm yourself.
> **MR. LETARD:** It's not - it's not relevant.
> **THE COURT:** Sustained, and I suggest that you be careful in your comments, Mrs. Hoggatt. (R 101)

The fact that the court appointed attorney distributed youth court records to hostile extended family members, including Craig Johnson in Virginia and Isaiah Hoggatt in Louisiana, clearly demonstrates that the youth court is not trying to protect the confidentiality of youth court records, nor acting in the best interest of the Hoggatts' son, but has other motives. (CP ) Such disclosure constituted a criminal act in the State of Mississippi, not provable without disclosure requested by parents.

Judge John Hudson repeatedly stated that Mrs. Hoggatt would be committing a criminal act should she disclose any youth court records, ('those notes are confidential and cannot be published to anyone without the permission of this court, OK. And that's the law in the state of Mississippi' (R 47)), though he defended court appointed attorney Philip LeTard's unlawful disclosure of records of over 100 pages of youth court documents, that prompted Craig Johnson to call the Hoggatt family from Virginia to threaten his sister, "I'm going to rack your ass". (CP 174-177).

The record clearly reveals that the judge and officers of the youth court had listened to audiotapes of Wilton Hoggatt (CP 45-46), and of Wilton Hoggatt's daughter, Tessa Hoggatt Albritton, and of Victoria Hoggatt's brother Craig Johnson discussing the relatives' assistance to the fugitive prior to filing any motion by the officials of the Mississippi youth court to "terminate jurisdiction" filed without notice on or about March 5, 2003. Egregious criminal conduct is not "outside the record".

**Manfred Eidt [CASA] on Cross by Mrs. Hoggatt**

> **MRS. HOGGATT:** OK. Uh, when did you first hear Eric and I tell you about the extreme animosity between Wilton and Mae Hoggatt against us for, uh, for –that had existed for a year prior to that time about A.J. Allbritton?
>
> **MANFRED EIDT:** I think it may – it was probably on that, that September the 7th . [2000]. It was the first date you came –the date you came to, uh youth court after the – there – there was the incident at the Day's Inn and then I think that was, uh, the Monday, the Monday after the incident, and I think that was the 7th, September 7th [2000]. (R 80)

**MRS. HOGGATT**: OK, did we talk to you prior to the hearing, the first hearing?...[T]he first time we talked to you, did we tell you about it? (R 80)

**MANFRED EIDT**: I'm pretty sure, yeah; the first time, that was a concern. (R 81) (Record Excerpts page 49)**THE COURT:** I don't know if such a thing exists" ..."the Aggravated Incest charge on Mr. Allbritton". (R 137) *Cf.* Wanted Poster for Andrew Allbritton (CP 96-98).

**W. E. Hoggatt –Cross by Mrs. Hoggatt**
**MRS. HOGGATT:** ...[D]id you, on a conversation with the father of the little girl who your brother in law committed aggravated incest --
**MR. LETARD:** -- Objection, your honor, that's not in evidence. There's no proof of it, he's not been convicted of anything and it's an improper question.
**THE COURT:** Sustained.
**MRS. HOGGATT:** ...[D]id the animosity begin when Eric Hoggatt went down in front of Sheriff Parker when Sheriff Parker asked you not to bail out A.J.?
**MR. LETARD**: Objection your Honor, the - -
**THE COURT:** An objection has been lodged.
**MRS. HOGGATT**: When do you think - -
**THE COURT**: No, you don't have to answer that question. Ask another question. (R137)
**MR. LETARD** [Court appointed attorney for child]: Why do we spend this time cross examining Mr. [Wilton] Hoggatt and make him a villain?... There's no proof of it, he's not been convicted of anything and it's an improper question. (R 131-136) (Record excerpts page 48-50)

There is no denial by the trial court that at the time of January 29, 2003 filing of the Petition for Disclosure that the Mississippi court alleged that it properly had subject matter jurisdiction to make a custody determination of the non-

resident child. In fact, the trial court's last 'custody' order of May 2, 2003 purported to alter the custody of W.N.H., "terminate jurisdiction", and further to terminate any remaining parental rights afforded by statute. "Subject matter jurisdiction may not be waived and may be asserted at any stage of the proceeding or even collaterally." *Hunt v. Hunt*, 629 So.2nd 548, 551 (Miss. 1992). Record excerpts show that parents contested the trial court's jurisdiction to make any custody determination, repeatedly, in the pleadings and on the record, and in written pleadings filed January 29, 2003. (CP 11-12).The Order Granting in Part and Denying in Part the Motion for Disclosure and Granting the Motion to Terminate the Durable Legal Custody and to Cease Jurisdiction constitutes a Custody Order.

If the Mississippi Court did not have jurisdiction this year, it does not have it the next. The Mississippi Supreme Court stated, *"Without hesitation we hold that such court ordered involuntary residence does not generate so much as a tick of the UCCJA's six consecutive months clock."* [Italics added]. *Curtis, supra, at 28.*

Far from declaring the issue of jurisdiction "moot", the *Curtis* court further stated, "This case presents a classic case of the ...judicial behavior the statutes were designed to and do proscribe...In doing this almost three years after the fact, we have no illusion that we are able to put Humpty Dumpty back together again. We hope from this fall all may know of our seriousness of purpose that the law's injunction be respected." *Id, 28.*

**B. The Decision is wrong in light of Mississippi Supreme Court precedent as to Disclosure of Youth Court Records.** The Appellee youth court correctly cited *In re J.E.*, supra, and *Daniels v. Wal-Mart Stores* , 634 So. 2nd 88, 92 (Miss. 1993) as

the standard for judicial abuse of discretion as to disclosure of juvenile records, but neither case supports its contention that this County Court judge was within his discretion to keep records secret in the instant cause. Quite the reverse. In *Daniels v. Wal-Mart Stores*, the Court held "Justice requires a total view." At page 94, the Daniels' court stated, "the shield of confidentiality was not designed and cannot be permitted to fraudulently defeat civil reparation of juvenile wrong." How much more the shield of confidentiality was not designed and cannot be permitted to fraudulently defeat civil and/or criminal reparation of deprivation of rights under color of law, nor to actually encourage delinquent behavior in children, and to facilitate premeditated and concerted criminal assault with the stated aim of destruction of the family unit. The *Daniels* Court correctly held, "We will not allow courts to see only part of the whole picture. Although justice is blind so that all who approach it do so on equal footing, justice is not dumb unless made so by courts or judges."

Dr. Hoggatt and Mrs. Hoggatt therefore had no subpoenaed witnesses to establish their assertion that WNH, his cousin, and the Hoggatts' daughter Sascha were in grave danger, and that public safety demanded the release of records. Due to the Mississippi court's egregious order by which the trial court purported to omit most of the record designated as necessary for appeal by the Appellants, the Hoggatts had a very limited part of the record upon which to appeal. The trial court's decision that Dr. Hoggatt and any attorney for them may not inspect the transcript of the hearings, transcripts for which they paid, nor propose corrections to the record, a right afforded all other appellants, was a clear violation of the Hoggatt's constitutional rights of equal protection and due process of law.

The Mississippi trial court may not consistent with Due Process and Equal Protection deny fit parents a hearing on

the merits of their Petition for Disclosure which outlined detailed compelling circumstances affecting the health and safety of a child, and which stated why disclosure was necessary to protect not only WNH, but also his cousin, the sexual assault victim, and the minor's little sister (CP 23,24, 29-31, 35) brought under MCA43-21-261 (G), by filing, the day before the Petition for Disclosure was to be heard, a surprise Motion to Vacate Durable Legal Custody without notice to Parents, then "ruling" on Parents' Petition the day before hearing it (CP 4), and then declaring when the Hoggatts arrived March 6, 2003 for the hearing set on Disclosure "...the only issue before the court is whether it is going to continue jurisdiction in this case. That's the only issue" (R 22), by reason of its "surprise" motion.

No jurisdiction, no right to subpoena witnesses, no hearing on the merits of the Petition for Disclosure, no notice of the court appointed minor's attorney's Motion to Terminate Durable Legal Custody, no right to designate the record for appeal, no right to appeal the *trial judge's* illegal designation of the record (Order Designating Record) due to failure of the trial court clerk to send the July 17, 2003 Notice of Appeal to the Mississippi Supreme Court, nor to note its filing on the first docket, no right to review the limited record available to propose corrections, as provided by MRAP 10. And then, over two years since the Notice of Appeal of the May 2, 2003 order appealing jurisdiction and non-disclosure of records in this cause, the Court of Appeals dismisses the appeal as moot because WNH is no longer a minor.

The emotional trauma inflicted by such proceedings is not moot. "Eric Hoggatt has almost lost his mind over the anger and grief of being judicially handcuffed and having to watch his boys do what they have done, and to see his own sisters, parents, mother and father, brother in law, and aunts and uncles get away with all the terrible things they have done,

to the injury of his children. There *are* persons who have abused children sexually, mentally, emotionally, and who have endangered the lives, morals, and safety of children, but only Parents [Eric and Victoria Hoggatt] have born the humiliation and pain of being accused of these things, while the actual perpetrators laugh, threaten, boast, get drunk, and snowmobile." (CP 39)

**MRS. HOGGATT:** Manfred, did I warn you over a year ago that - that Judge Hudson had invited me to sue him for ... civil rights violation and that to not -

**MR. LETARD:** Objection to the form of the question. It's not relevant.
**MRS. HOGGATT:** harm yourself.
**MR. LETARD:** It's not - it's not relevant.
**THE COURT:** Sustained, and I suggest that you be careful in your comments, Mrs. Hoggatt. (R 101)

## CONCLUSION

For these reasons certiorari should be granted.

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Filed 1/12/2006
Serial: 129244
IN THE SUPREME COURT OF MISSISSIPPI
No.2003-CT-01142-SCT

IN THE INTEREST OF: W.N.H., MINOR CHILD

ORDER

This corrected order is entered because the previous order, Serial No. 128965, failed to reflect Justice Easley's vote. This matter is before the Court on the Petition for Writ of Certiorari filed by the petitioners. After due consideration, the Court finds that the petition should he denied.

IT IS THEREFORE ORDERED that the Petition for Writ of Certiorari is denied.

SO ORDERED, this the 11th day of January, 2006.

JAMES W. SMITH, JR.,
CHIEF JUSTICE

Filed 5/24/2005
Serial: 1
IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI
No. 2003-CA-01142-COA

THE INTEREST OF W.N.H., MINOR CHILD

ORDER

This matter came before the Court on appeal and the Court on its own motion finds that there are no remaining issues which can be resolved by this Court and, therefore, the appeal should be dismissed. Many of the issues raised are not properly before the Court and the other issues have been rendered moot by W.N.H. having reached the age of majority in this state.

THEREFORE IT IS ORDERED that on the Court's own motion the appeal in this case be, and hereby is, dismissed. All costs of appeal are assessed to the appellant

SO ORDERED, this the 11th day of May, 2005.

LESLIE D. KING, CHIEF JUDGE

Filed 5/2/2003
Cause #P00-137 Referral #587-67-1163

State of Mississippi

County of Adams
In Re: Noah Hoggatt

Order Granting in Part and Denying in Part the Motion for Disclosure and Granting the Motion to Terminate the Durable Legal Custody and to Cease Jurisdiction

Came this case on Motion of the parents, Victoria and Eric Hoggatt, for disclosure of records and on the motion of the guardian ad litem to dissolve the durable legal custody ordered by this court and to chose the file and cease jurisdiction. The case was heard at hearings held on March 6, 2003 and April 1, 2003. Present at the hearing were Warren Noah Hoggatt, the child, Victoria Hoggatt (mother), Eric Hoggatt (father), Ethan Hoggatt (brother), Sascha Hoggatt (sister), Rosemary Thomas (DHS), Ginger Wimberly (Social Worker), Ashley Junkin (Social Worker), Manfred Eidt (CASA), Edrena Smith (DYS), Shelly Dearing (court reporter), Isaiah Hoggatt (brother), Wilton Hoggatt (grandfather and durable legal custodian) by telephone and upon hearing the court found as follows:

1.

That the motion for disclosure should be granted in part and denied in part,

2.

That the parents are entitled to inspect all documents that the court would consider in the hearing concerning the termination of the durable legal custody, specifically being the original custody order, the original disposition order, the case review order granting durable legal custody and all records and correspondence included subsequent to the date of the hearing granting durable legal custody, and

3.

That the parents have inspected those documents,

4.

That there has been no showing by the parents that they are entitled to any other disclosure of the records pursuant to Mississippi Law, specifically there has been no showing that disclosure is in the best interest of the child, nor to the best

interest of public safety nor for the functioning of the youth court.

5.

That the minor child, now nineteen years of age, specifically objects to the disclosure of the his records to his parents,

6.

That further disclosure of the records would likely be to the detriment to the minor probably subjecting him to further embarrassment.

7.

That the parents have had at all earlier hearing full access to the records being considered by the court at those hearings and over the history of this proceeding had access to all records and have never been refused access to records being considered by the court at a hearing.

8.

That the guardian ad litem motion for termination of the durable legal custody in the grandfather be terminated and the case closed is well founded,

9.

That the minor child is a nineteen year (19) old resident of Louisiana attending and performing well in college, and that the custodial provisions of this courts order has interfered with his pursuits for financial aid,

10.

That the parents object to the durable legal custodian having custody of their son, but object to the dissolution of the durable legal custody because they desire the court to maintain jurisdiction to require the minor to complete counseling for violence to women and substance abuse,

11.

That there is no factual shoving that would indicate that the child is in need of any therapy referred to in paragraph 9 above nor has there been any showing that indicates that the minor child should be maintained in the jurisdiction of this court far any reason,

12.

The child is deemed an adult at age seventeen (17) in Louisiana and eighteen (18) in Mississippi for the purposes of criminal justice or status offense,

13.

The child desires the custody to be vacated and the durable legal custodian joins the child in his pursuit to terminate the custodial arrangement and there being no showing justifying continued jurisdiction.

IT IS ORDERED AND ADJUDGED, that the motion for disclosure is granted in part and denied in part,

BE IT FURTHER ORDERED AND ADJUDGED, that the parents of the child be allowed to inspect the records insofar as they relate to the motion by the guardian ad litem to terminate the durable legal custody ordered by this court, those records being the original custody order, the original disposition order, the case review order granting durable legal custody and all records and correspondence included subsequent to the date of the hearing granting durable legal custody,

ORDERED AND ADJUDGED, excepting the specific grant of inspection above, the motion for disclosure is denied,

ORDERED AND ADJUDGED, that the durable legal custody previously ordered by this court is dissolved and terminated and the court ceases jurisdiction in this case.

SO ORDERED AND ADJUDGED, this the 1 day of May, 2003.

John N. Hudson
Adams County Youth Court Judge

CAUSE # P00 - 137
REFERRAL # 587- 67-1163

STATE OF MISSISSIPPI

COUNTY OF ADAMS

IN THE YOUTH COURT DIVISION OF THE COUNTY COURT

IN THE INTEREST OF:
WARREN HOGGATT, a minor

**PETITION FOR INSPECTION OF RECORDS AND RELEASE OF RECORDS**

PETITIONER: Victoria Hoggatt, as attorney for Eric and Victoria Hoggatt, father and mother of Warren Noah Hoggatt, minor child, hereinafter referred to as "Attorney"

PETITIONERS: Eric and Victoria Hoggatt, Father and Mother of Warren Noah Hoggatt, minor child, hereinafter referred to as "Parents"

Petitioner Victoria Hoggatt, as attorney for Eric and Victoria Hoggatt, the father and mother of the minor child, and petitioners Eric and Victoria Hoggatt, as father and mother of the minor child, state as follows:

Parents have five children, to-wit: Ethan Hoggatt, age 24, Isaiah Hoggatt, age 22, Micah Hoggatt, age 21, Warren "Noah" Hoggatt, age 19, and Israel (Sascha) Hoggatt, age 9. (See **Exhibit A**, 1998 Federal Tax Return)

Attorney is a duly licensed attorney in the state of Mississippi, who has been licensed in said state since 1978,

approximately 25 years, Mississippi State Bar # 2497, Mississippi
State Supreme Court #2497.

Attorney is not by this pleading attempting to write an appellate brief, but to state with the degree of accuracy she can on such short notice what has transpired heretofore in the Youth Court of Adams County, Natchez, Mississippi so that the Honorable Mike Moore, Attorney General for the State Mississippi may make a ruling. This petition also seeks to document the intentional, egregious, and ongoing Obstruction of Justice, denial of Due Process of Law, and Equal Protection Under the Law guaranteed by the Statutes and Constitution of the State of Mississippi and also guaranteed by the Constitution of the United States of America, from August 19, 2000 to the present date of this petition February 13, 2003.

Attorney has at this time spent in the neighborhood of $5000 for her legal assistant and herself to stay in the vicinity of Natchez, Mississippi, for well over one month, and have desktop, printer, files, laptop computer, and audiotape evidence transported to file this petition. Attorney does not wish to spend time and resources seeking a federal court injunction. As a Mississippian who lived 36 of her first 47 years in the State of Mississippi, which years included witnessing a very violent integration of her high school, Petitioner would assert to the Court that refusing access to records because said records contain evidence of egregious violations of Constitutionally protected rights of Due Process, Equal Protection, Privacy, Right to face your accuser, prohibitions against Establishment of Religion, First Amendment protections that guarantee Freedom of Worship. Attempting to involve the State of Mississippi, including state employees who may have had no share in said violations, is unconscionable as well as illegal.

Parents record most conversations, such action having become necessary to protect Parents' nuclear family from further concerted criminal assault, to document criminal acts committed against Parents' family, and to preserve Constitutionally guaranteed liberty interests in raising their own children to be moral, sane, productive, happy American citizens.

Audiotaped telephone conversation recordings of opposed extended family members began in November of 2001, after a minor child, who is the cousin of Warren Noah Hoggatt, attempted suicide. How that child came to be intertwined with the above styled and numbered cause is related later in the Petition.

Attorney was advised in an audio taped telephone conversation on or about December 28, 2001 with John Hudson, Judge of the Youth Court of Adams County, located in Natchez, Mississippi, that she does indeed have a statutory right to inspect the youth court record in the above styled and numbered cause. At the time of the conversation, Judge John Hudson was in Natchez, Mississippi, and Parents were in their home in Tyler, Texas. Such audio taped conversation was lawfully recorded, as Texas is a single party consent state.

Further, attorney would assert the Interstate Compact on Placement of Children requires copies of all orders be sent to the parents upon request. Parents have repeatedly asked for a copy of the original order adjudicating minor delinquent, if he was in fact, so adjudicated.

Attorney has the *right* by statute "to inspect, upon request" the youth court records in the above styled and numbered cause, pursuant to **Miss. Code. Ann. 43-21-261 (3),** *without petitioning the youth court* under **Miss. Code. Ann. 43-21-261 (1).**

**Miss. Code. Ann. 43-21-261 (3),** reads as follows:

(3) Upon request, the parent, guardian or custodian of the child who is the subject of a youth court cause or any attorney for such parent, guardian or custodian, shall have the right to inspect any record, report or investigation which is to be considered by the youth court at a hearing, except that the identity of the reporter shall not be released, nor the name of any other person where the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of such person.

This statutory right of inspection is separate and does not rely upon **Miss. Code. Ann. 43-21-261 (1),** which allows the court in its discretion to release records "in the best interest of the child".

Further, **Miss. Code. Ann. SEC. 93-13-1,** Parental guardianship of minor children, states as follows:

"The father and mother are the joint natural guardians of their minor children and are equally charged with their care, nurture, welfare and education, and the care and management of their estates. The father and mother shall have equal powers and rights, and neither parent has any right paramount to the right of the other concerning the custody of the minor or the control of the services or the earnings of such minor, or any other matter affecting the minor. If either father or mother die or be incapable of acting, the guardianship devolves upon the surviving parent. Neither parent shall forcibly take a child from the guardianship of the parent legally entitled to its custody. But if any father or mother be unsuitable to discharge the duties of guardianship, then the court, or chancellor in vacation, may appoint some suitable person, or having appointed the

father or mother, may remove him or her if it appear that such person is unsuitable, and appoint a suitable person.

Wilton Hoggatt, the 84-year-old paternal grandfather of the minor, who was granted durable custody of the minor on December 2, 2001, is gravely ill, and 84 years old. He has recently been readmitted to the hospital in Shreveport, Louisiana following complications following insertion of a - pacemaker.

Parents are legal residents of the State of Texas, residing in Tyler, Texas. Eric Hoggatt, Noah's father, and Sascha Hoggatt, the nine year old daughter of Eric and Victoria Hoggatt, stayed through the night, January 11, 2003 at the hospital with Wilton Hoggatt, the paternal grandfather and durable custodian of the minor, in Shreveport, Louisiana.

Upon the death of Wilton Hoggatt, Durable Custodian, a hearing to substitute a guardian for minor child would presumably be the next order of business.

Attorney and her adult son, Ethan Hoggatt, a legal assistant in the State of Texas, made a special trip to Natchez, Mississippi, January 11, 2003 to inspect the court and intake files of minor whom John Hudson said would be under "his" jurisdiction, presumably meaning the Youth Court of Adams County, Mississippi, "until age 20".

Adequate preparation for whatever proceedings may become necessary at any time would of necessity require review of youth court records that led to the Youth Court's findings thus far in the cause.

*Troxel et vir.* v. *Granville*, 530 U. S. 57 (2000) was the law of the land prior to the initial contact of the family of Eric and Victoria Hoggatt with the Adams County Youth Court, on or about August 19, 2000. *Troxel et vir.* v. *Granville*, 530 U. S. 57

(2000) continues to be the law of the United States of America. The United States Supreme Court held in *Troxel*, following a long line of federal cases, that

"there is a presumption that fit parents act in the best interests of their children".

And further, that "The Fourteenth Amendment provides that no State shall "deprive any person of life, liberty, or property, without due process of law. We have long recognized that the Amendment's Due Process Clause, like its Fifth Amendment counterpart, "guarantees more than fair process." *Washington* v. *Glucksberg*, 521 U. S. 702, 719 (1997). The Clause also includes a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests." *Id.*, at 720; see also *Reno* v. *Flores*, 507 U. S. 292, 301-302 (1993).

The liberty interest at issue in this case--the interest of parents in the care, custody, and control of their children--is perhaps the oldest of the fundamental liberty interests recognized by this Court. More than 75 years ago, in *Meyer* v. *Nebraska*, 262 U. S. 390, 401 (1923), we held that the "liberty" protected by the Due Process Clause includes the right of parents to "establish a home and bring up children" and "to control the education of their own." Two years later, in *Pierce* v. *Society of Sisters*, 268 U. S. 510, 534-535 (1925), we again held that the "liberty of parents and guardians" includes the right "to direct the upbringing and education of children under their control." We explained in *Pierce* that "[t] he child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations." *Id.*, at 535. We returned to the subject in *Prince* v. *Massachusetts*, 321 U. S. 158 (1944), and again confirmed that there is a constitutional dimension to the

right of parents to direct the upbringing of their children. "It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder." *Id.*, at 166.

> In subsequent cases also, we have recognized the fundamental right of parents to make decisions concerning the care, custody, and control of their children. See, *e.g.*, *Stanley* v. *Illinois*, 405 U. S. 645, 651 (1972) ("It is plain that the interest of a parent in the companionship, care, custody, and management of his or her children `come[s] to this Court with a momentum for respect lacking when appeal is made to liberties which derive merely from shifting economic arrangements' " (citation omitted)); *Wisconsin* v. *Yoder*, 406 U. S. 205, 232 (1972) ("The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"); *Quilloin* v. *Walcott*, 434 U. S. 246, 255 (1978) ("We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected"); *Parham* v. *J. R.*, 442 U. S. 584, 602 (1979) ("Our jurisprudence historically has reflected Western civilization concepts of the family as a unit with broad parental authority over minor children. Our cases have consistently followed that course"); *Santosky* v. *Kramer*, 455 U. S. 745, 753 (1982) (discussing "[t]he fundamental liberty interest of natural parents in the care, custody, and management of their child"); *Glucksberg*, *supra*, at 720 ("In a long line of cases, we have held that, in addition to the specific freedoms protected by the Bill of Rights, the `liberty' specially

> protected by the Due Process Clause includes the righ[t] ... to direct the education and upbringing of one's children" (citing *Meyer* and *Pierce*). In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children."

And whereas, as in *Troxel et vir.* v. *Granville*, 530 U. S. 57 (2000), no Court has alleged or found that Eric and Victoria Hoggatt are unfit parents,

> "That aspect of the case is important, for there is a presumption that fit parents act in the best interests of their children. As this Court explained in *Parham*: "[O]ur constitutional system long ago rejected any notion that a child is the mere creature of the State and, on the contrary, asserted that parents generally have the right, coupled with the high duty, to recognize and prepare [their children] for additional obligations. ... The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions. More important, historically it has recognized that natural bonds of affection lead parents to act in the best interests of their children." 442 U. S., at 602 (alteration in original) (internal quotation marks and citations omitted).
>
> Accordingly, so long as a parent adequately cares for his or her children (*i.e.*, is fit), there will normally be no reason for the State to inject itself into the private realm of the family to further question the ability of that parent to make the best decisions concerning the

rearing of that parent's children. See, *e.g.*, *Flores*, 507 U. S., at 304 .

The problem here is not that the Washington Superior Court intervened, but that when it did so, it gave no special weight at all to Granville's determination of her daughters' best interests. More importantly, it appears that the Superior court applied exactly the opposite presumption. In reciting its oral ruling after the conclusion of closing arguments, the Superior Court judge explained: "The burden is to show that it is in the best interest of the children to have some visitation and some quality time with their grandparents. I think in most situations a commonsensical approach [is that] it is normally in the best interest of the children to spend quality time with the grandparent, unless the grandparent, *[sic]* there are some issues or problems involved wherein the grandparents, their lifestyles are going to impact adversely upon the children. That certainly isn't the case here from what I can tell." Verbatim Report of Proceedings in *In re Troxel*, No. 93-3-00650-7 (Wash. Super. Ct., Dec. 14, 19, 1994), p. 213 (hereinafter Verbatim Report).

The judge's comments suggest that he presumed the grandparents' request should be granted unless the children would be "impact[ed] adversely." In effect, the judge placed on Granville, the fit custodial parent, the burden of *disproving* that visitation would be in the best interest of her daughters. The judge reiterated moments later: "I think [visitation with the Troxels] would be in the best interest of the children and I haven't been shown it is not in [the] best interest of the children." *Id.*, at 214.

As in *Troxel et vir.* v. *Granville*, 530 U. S. 57 (2000), no Court has found that Petitioners are unfit parents, and conversely, on the court record the judge states that it was obvious that the children are exceptional and had "everything going for them". Judge Hudson states that it was obvious that the parents that had given their children things that "were still carrying them", meaning Petitioners' children, even those that hadn't lived at home in years. He further states that it was clear that "until each child was about 16 years old, things went very well". On the court record the judge states that Jackie Pegues, a former worker for the Lafayette County Department of Human Services in Oxford, Mississippi, had given a favorable and complimentary report on the entire family.

Manfred Eidt, Court Apponted Special Advocate and guardian ad litem, and Ginger Johnson and/or Ashley Junkin, who were intake workers for the Division of Youth Services, are recorded on audiotape as saying that allegations of abuse were investigated, and that "there was nothing to them".

Parents were only in the Youth Court of Adams County because they had sought the protection of the State of Mississippi because relatives who were then contributing to the delinquency of the minor, by encouraging and financially assisting the minor to absent himself from the custody of his parents without permission, in violation of **Miss. Code Ann. SEC 97-5-39**, having bought him a hotel room at the Day's Inn in Natchez, Mississippi, furnished him with a credit card for cash and pizza, and who said that they were driving from Virginia to pick up the minor, (See **Exhibit B**, Police report from the Natchez Police Department), and transport him to Texas to live with his aunt Donna Hoggatt Rombs and uncle Ronnie Rombs of Alvin, Texas, with the express intent that the minor never return to the control and custody of his parents.

All four of the grandparents of the minor, an adult brother of the minor, and other extended family members were, and are growing ever more, hatefully antagonistic to Petitioner's Christian religion, Jehovah's Witnesses.

At the time of the original contact with Natchez, Mississippi Police and Youth Court Judge, John Hudson, the night of August 19, 2000, all four of the grandparents of the minor, a brother of the minor, and other extended family members were egregiously committing serious, concerted, and continuing state and crimes that have had a proven extremely destructive effect on the safety, morals, and welfare of the children, and

Grandparents of the minor, an adult brother of the minor, and other extended family members are continuing to commit very serious, concerted, and continuing state and federal criminal activity that has had a proven destructive effect on the safety, morals, and welfare of the children of Petitioners, and that said relatives are ***involving the children of the Petitioners*** in such continuing state and criminal activity that has had a proven egregiously destructive effect on the safety, morals, and welfare of the children of Petitioners, including the minor subject in the above styled and numbered cause, including using said children to testifying in court proceedings of family members. Such charges as arson, attempted murder by poisoning, theft, embezzlement, fraud have been filed by relatives against other relatives in divorce and custody proceedings, *using Petitioners' children as pawns* for purpose of obstruction of justice in those proceedings, as well as the durable custodian getting the minor involved in criminal activity in which he is currently engaged, which is the subject of a presentation made to the United States Department of Justice, US Attorney's Office, concurrently filed at the time of filing of this petition, involving the durable custodian's aiding and

abetting his brother in law, one Andrew Allbritton, Jr. who is wanted for aggravated incest and third offense DUI, as well as Unlawful Flight to Avoid Prosecution.

Whereas Attorney, a legal resident of the State of Texas, made the trip to inspect all records concerning Warren Noah Hoggatt on Saturday, January 11, 2003. On or about January 14, 2003, in the morning, she called the office of the Youth Court to find where to go to inspect such records, and was told that they were in the Circuit Clerk's office. She called said office to get directions, and was told by Jackie Nichols, an assistant to the Circuit Clerk of Adams County, Natchez, Mississippi, that she would leave the file out for Attorney if the assistant went to lunch. Upon arrival, Attorney was given the file, and asked the Assistant Circuit Clerk of Adams County if there was a desk and quiet place she might use to inspect the file. Jackie Nichols said sure, and she and Attorney went looking for one.

As Attorney and Jackie Nichols proceeded to go to the back of the office, Jackie Nichols asked the Circuit Clerk of Adams County, M. L. Vines, where there was a desk and quiet place Petitioner might use to inspect the file.

After some whispering around the corner, M. L. Vines, the Circuit Clerk then *took back* from Attorney the file in the above styled and numbered cause and had Judge John Hudson contacted.

Attorney assured M. L. Vines, the Circuit Clerk that the reason she came to Natchez was that she had been told that she had a statutory right to inspect youth court records in the above styled and numbered cause *by Judge John Hudson* in a telephone conversation. She further informed the Circuit Clerk that the custodian was old and may be about to die.

On or about January 14, 2003 Judge John Hudson came to the private office in the office of the Circuit Clerk where the Circuit Clerk and Attorney were waiting, whereupon Petitioner explained to Judge John Hudson that Wilton Hoggatt, the 84 year old paternal grandfather of minor child, who was granted durable custody of said minor child on December, 2, 2001, was gravely ill, 84 years old, and recently been readmitted to the hospital in Shreveport, Louisiana following complications following insertion of a pacemaker, and further may be about to die.

Judge John Hudson, after reviewing the **Miss. Code Ann. SEC 43-21-261 (3),** told Attorney that she had no right of inspection to inspect the file. John Hudson further stated in the presence of M. L. "Binky" Vines, the Circuit Clerk of Adams County, Mississippi, in the presence of Jackie Nichols, the assistant to the Circuit Clerk of Adams County, Mississippi, and in the presence of Ethan Hoggatt, a paralegal in the State of Texas, and other witnesses, that Attorney was to have no access to *any* records of any kind, did not qualify to have access to records in the above styled and numbered cause under **Miss. Code Ann. SEC. 43-21-261 (3),** and further, that if Attorney wished to inspect the records, she would need to file a motion relying on some other provision other than **Miss. Code Ann. SEC. 43-21-261 (3),** outlining why it would be in the best interest of the child that she be allowed right to inspect records in the above styled and numbered cause .

M. L. "Binky" Vines, the Circuit Clerk of Adams County, Mississippi, in the presence of Jackie Nichols, the assistant to the Circuit Clerk of Adams County, Mississippi, in the presence of Ethan Hoggatt, a paralegal in the State of Texas, in the presence of and other witnesses, loudly reiterated his understanding of what Judge Hudson said, that Petitioner was to have no access to any records without express approval of the Judge, for all present to hear.

It remains Petitioners' assertion that Attorney has a right of inspection pursuant to **Miss. Code Ann. 43-21-261 (3),** as attorney for parents of the minor child, and also that Petitioners Parents of the minor child have a right of inspection pursuant to **Miss. Code Ann. 43-21-261 (3),** as parents of the minor child.

Attorney, having been denied access for right of inspection ("inspect, upon request") to the youth court record in the above styled and numbered cause, called the Attorney General's Office for the State of Mississippi to make sure she did in fact have statutory right to inspect upon request, youth court record in the above styled and numbered cause.

Petitioner, Attorney was advised in an audio taped telephone conversation January 16, 2003 with Ms. Alice Wise, an attorney in the office of the Honorable Mike Moore, Attorney General for the State of Mississippi, that Petitioner does indeed have a statutory right to inspect the youth court record in the above styled and numbered cause. Said youth court records are believed to be located in of the Juvenile Justice Facility of Adams County, Natchez, Mississippi, though the guardian ad litem previously stated that the complete court file was "in the basement" elsewhere. At the time of the conversation Ms. Alice Wise was in the office of the Attorney General for the State of Mississippi, and Victoria Hoggatt was in Louisiana. Such audio taped conversation was lawfully recorded, as Louisiana is a single party consent state.

Petitioner Attorney, after having been denied access by Judge John Hudson, was advised in an audio taped telephone conversation with a friend in Mississippi that has served as a Chancery Clerk in the State of Mississippi for over 20 years that Petitioner does indeed have a statutory right to inspect the youth court record in the above styled

and numbered cause. At the time of the conversation, said Chancery Clerk was in his office of the Chancery Clerk in the State of Mississippi, and Victoria Hoggatt was in Louisiana. Such audio taped conversation was lawfully recorded, as Louisiana is a single party consent state.

Attorney was advised by a friend who is a sitting appellate judge in the State of Mississippi that that the statute appears clear on its face that Petitioner does indeed have a statutory right to inspect the youth court record in the above styled and numbered cause, and they couldn't imagine why Judge John Hudson would attempt to prohibit all access to inspection of the youth court record. Confidentiality is respected, as the judge was only giving an opinion as a friend, as how mechanically to proceed, because the judge's private practice of law had not had not been a youth court practice.

Therefore, in compliance with Judge Hudson's request that additional grounds for inspection be provided, Petitioner further would assert that the legislative intent of the Mississippi State Legislature in adoption of the *Interstate Compact on Placement of Children*, **Miss. Code Ann., Section 43-25-1, (Legislative findings and policy),** clearly joins in the opinion of all states that are party to the Interstate Compact on Placement of Children, that " It is hereby found and declared: (1) that juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others; (2) that the cooperation of this state with other states is necessary to provide for the welfare and protection of juveniles and of the people of this state. It shall therefore be the policy of this state, in adopting the interstate compact on juveniles, to cooperate fully with other states: (1) in returning juveniles to such other states whenever their return is sought; and (2) in accepting the return of juveniles

whenever a juvenile residing in this state is found or apprehended in another state and in taking all measures to initiate proceedings for the return of such juveniles.

**43** requires copies of all orders be sent to parents upon request, and parents have repeatedly asked for a copy of the original order adjudicating minor delinquent, if he was, in fact, so adjudicated.

Further, Mississippi Code : TITLE 43 PUBLIC WELFARE : CHAPTER 18 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN : § 43-18-1, states in ARTICLE III.

(a) No sending agency shall send, bring or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring or place the child in the receiving state. The notice shall contain:

(1) The name, date and place of birth of the child.
(2) The identity and address or addresses of the parents or legal guardian.
(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.
(d) The child shall not be sent, brought or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

Further, Mississippi Code : TITLE 43 PUBLIC WELFARE : CHAPTER 18 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN : § 43-18-1, states in ARTICLE IV,

The sending, bringing or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit or other legal authorization held by the sending agency which empowers or allows it to place or care for children.

And further, additionally in compliance with Judge Hudson's request that additional grounds for inspection be provided by motion, Petitioner further asserts that **Miss. Code Ann. 43-21-261 (G)**

> Authorizes release of any record, report, or investigation to any person pursuant to a finding by a judge of the youth court of compelling circumstances affecting the health or safety of a child and that such a disclosure is in the best interest of the child.

Petitioners would assert that compelling circumstances affecting the health or safety of the minor child, do in fact exist, and that such a disclosure is in the best interest of the child, for the following reasons, to-wit:

Eric Hoggatt, DDS, a General Dentist duly licensed in the State of Texas, where he and his family reside in Tyler, Texas; in Louisiana, where he was born and where he was graduated from Louisiana State University's Dental School; the State of Mississippi, where he practiced dentistry for 19 years in Oxford; and in the State of New York, where he was licensed so that he could serve as a charitable volunteer doing medical missions. Eric Hoggatt, the father of Warren Noah Hoggatt, has never been charged with a criminal offense, other than a very rare minor traffic ticket.

Because Parents were looking to return to the South and were scheduled to look at dental practices in Arkansas, Mississippi, and Louisiana, Petitioners had letters about the professional character of Eric Hoggatt DDS, with them at the time of the occurrence, which were given to all intake workers and are part of the court file. (See **Exhibit C**, Professional references)

Attorney has never been charged with a criminal offense, other than minor traffic violations. Parents have five children who were all living at home in Patterson, New York, until August of 1998, when Isaiah left the family home in Patterson, New York to accept the 21st Century Scholarship at Millsaps College, in Jackson, Mississippi.

Petitioner Attorney served as Assistant Youth Court Counselor for the Third Chancery District of Mississippi, as well as public school American Government and Spanish teacher for the Senatobia, Mississippi School District. Attorney would be acting as Adjunct Instructor for Tyler Junior College, Tyler, Texas, teaching the American Government course required by Texas Statute that requires all students in institutions of higher learning in Texas to take a course that teaches the United States Constitution, like she did last semester, if she were not having to stay in the vicinity of Natchez, Mississippi defending her own Constitutional Rights and those of her family. Petitioner Attorney also interned as a police officer for the Grenada, Mississippi, Police Department as night dispatcher, uniformed officer, and as an oil and gas land man for Getty Oil.

Eric and Victoria Hoggatt, father and mother of Noah Hoggatt were happily married to each other for 24 years at the time of the underlying occurrence, August 19 and 20, 2000 at the Days Inn of Natchez.

The family of Eric and Victoria Hoggatt, which included Warren Noah Hoggatt, minor child of Eric and Victoria Hoggatt, was an intact nuclear family that had never contemplated divorce or separation had been living in Patterson, New York, for approximately three years at time of the offense of the minor, August 19/20, 2000. Judge Hudson was contacted at approximately 3:00 in the morning of August 19/20, 2002, after the minor said that relatives

were on their way from Virginia to pick him up, the same relatives said that the minor's parents "would probably call the police", and that if they did, and the police came, he "should run".

On or about the night of August 19/20, 2000 both Warren Johnson and Isaiah Hoggatt, then in Virginia, contacted Donna Hoggatt Rombs, sister of Eric Hoggatt, and Ronnie Rombs, her husband (hereinafter Rombs) in Alvin, Texas to ask for assistance in committing a criminal act, contributing to the delinquency of a minor, per **Miss. Code Ann. SEC 97-5-39, to-wit:**

**§ 97-5-39. Contributing to the neglect or delinquency of a child; felonious abuse and/or battery of a child.**

(1) Any parent, guardian or other person who willfully commits any act or omits the performance of any duty, which act or omission contributes to or tends to contribute to the neglect or delinquency of any child or which act or omission results in the abuse and/or battering of any child, as defined in Section 43-21-105(m) of the Youth Court Law or who knowingly aids any child in escaping or absenting himself from the guardianship or custody of any person, agency or institution, or knowingly harbors or conceals or aids in harboring or concealing any child who has absented himself without permission from the guardianship or custody of any person, agency or institution to which such child shall have been committed by the youth court shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00), or by imprisonment not to exceed one (1) year in jail, or by both such fine and imprisonment.

Warren Johnson and Isaiah Hoggatt, then in Virginia acted in concert with Craig Johnson, brother of Attorney. On or

about August 19, 2000 at approximately 5:00 p.m. ,Craig Johnson from Virginia bought the minor a hotel room and supplied him with a credit card number which he used to order out Pizza, at the Day's Inn in Natchez, Mississippi, where all of the Relatives knew that the family already had a room. Said Relatives did so in full knowledge that Warren Johnson, Isaiah Hoggatt, Donna Hoggatt Rombs, Ronnie Rombs, and Craig Johnson were acting in violation of the laws of Texas, Virginia, and Mississippi.

As an aside, we have mannerly, kind, congenial *other* relatives in Mississippi, Louisisana and Texas, the children of the late Rene Mason, who was a school principal in Natchez, Mississippi, for many years, and the Virgil Hoggatt family in Vidalia, Louisiana, and others.

Rombs agreed to help Warren Noah Hoggatt, minor child of Eric and Victoria Hoggatt, absent himself from the care and custody of his parents without their permission, knowing they were acting in very strong opposition to the wishes of the parents, and in violation of the laws of both Texas and Mississippi, and agreed to keep Noah Hoggatt, then 16 years old, just having finished his sophomore year in high school, for his junior and senior year of high school in Alvin, Texas.

Parents had contacted Rombs by telephone from their home in Patterson, New York, approximately one week before the incident in Natchez, Mississippi and expressed concern that the minor's older brothers, Isaiah Hoggatt and Micah Hoggatt, were encouraging the minor to run away from home.

Parents specifically asked Ronnie Rombs of Alvin, Texas, and Donna Hoggatt Rombs if would they board the minor for his last two years of high school if asked to do so by persons that Parents believed were encouraging the minor to run away from home. Parents further asked Rombs had they

heard of any sort of child abuse supposedly committed by Parents. Rombs both replied they were sure they hadn't, and thought the first question odd in the extreme.

After Parents were told of the plans of Relatives conspiring to transport minor child out of state, Parents sought the protection of the State of Mississippi, on the night of August 19,2000 because Petitioner Attorney had served as Assistant Youth Court Counselor for the Third Chancery District of Mississippi, under the Chancellor Kermit Cofer. Judge Cofer, who later served as a Justice on the Supreme Court of the State of Mississippi, told disobedient kids to mind their mother, go to school every day, church every Sunday, or he would put them in the state school for delinquent children. And Judge Cofer meant it.

Judge Cofer told Warren and Dorothy Johnson and the other set of in-laws not to go *near* the Memphis hospital where Craig Johnson and his wife were taking their son for surgery, because he could discern wherein the problem lay, and believed that a man and his wife had a right to establish a home without interference from destructive relatives. Judge Cofer was a wise man that obeyed the law, encouraged others to do likewise, and acted to h[illegible] children and families because he had respect for the family unit. Parents thought that's what youth courts were for, and did. Protect children from predators. To enforce laws that protects American Parents' sacred right, duty, and privilege to raise happy, well-adjusted children to become citizens that know how to love, and how to live with dignity and kindness towards their fellow man.

That is the experience Attorney had had with youth court judges, and that is what help Parents hoped for, and were legally entitled to, when Parents told Judge John Hudson that Relatives were coming to take their minor child, age 16, away in Natchez, Mississippi. After Parents called the police

(Natchez Police Department), Isaiah Hoggatt, adult brother of the minor, told the minor that were they were getting him an airplane ticket, and that Isaiah Hoggatt would have a fraternity brother that lived in Natchez, Mississippi, immediately pick the minor up from the Day's Inn in Natchez, Mississippi to transport the minor to the airport. (See **Exhibit B**, statement from the Natchez Police Department, August 8, 2000.)

Neither Noah Hoggatt, the minor child, his parents, Eric and Victoria Hoggatt, all residents of New York, nor his paternal grandfather, Wilton Hoggatt, a resident of Wisner, Louisiana, who was later appointed durable custodian were legal residents of the State of Mississippi. Neither the minor child, his Parents, nor durable custodian, a resident of Wisner, Louisiana ***ever had, nor were contemplating ever living in Natchez, Adams County Mississippi***. Parents and minor were over 1000 miles from the family home in Patterson, New York, and have never since lived closer than Tyler, Texas from Natchez, Mississippi.

New York was the "home state" of the minor in August of 2000, as defined in Mississippi Code Ann. § 93-23-3, pursuant to: CHAPTER 23 UNIFORM CHILD CUSTODY JURISDICTION ACT: Definitions. Terms: Uniform Compact For The Interstate Placement of Minors, to-wit:

**§ 93-23-3. Definitions.**

(f) "Home state" means the state in which the child immediately preceding the time involved lived with his parents a parent, or a person acting as parent, for at least six (6) consecutive months, and in the case of a child less than six (6) months old the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six-month or other period;

From the day of the dispositional hearing on *some* hot day in Natchez, Mississippi, in September or October 2000, to date of this Petition, Attorney has been trying to ascertain if the Youth Court of Adams County ever in fact had jurisdiction in the proceedings.

In a legally audiotaped conversation with Judge John Hudson, Parents asked under what grounds the Youth Court of Adams county ever presumed to have jurisdiction to affect such a fundamental Constitutional right as parents have in the company and custody of their children. Judge Hudson replied that he was not going to comment on what statute granted him such authority. It is Parents' contention that the Youth Court never had jurisdiction to effect such a change without due process of law. **Miss. Code Ann. SEC 93-23-5** reads as follows:

**§ 93-23-5. Jurisdiction.**

(1) A court of this state which is competent to decide child custody matters has jurisdiction to make a child custody determination by initial or modification decree if:

(a) This state (i) is the home state of the child at the time of commencement of the proceeding, or (ii) had been the child's home state within six (6) months before commencement of the proceeding and the child is absent from this state because of his removal or retention by a person claiming his custody or for other reasons, and a parent or person acting as parent continues to live in this state; or

(b) It is in the best interest of the child that a court of this state assume jurisdiction because (i) the child and his parents, or the child and at least one (1) contestant, have a significant connection with the state, and (ii) there is available in this state substantial evidence concerning the

child's present or future care, protection, training and personal relationships; or

(c) The child is physically present in this state and (i) the child has been abandoned, or (ii) it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse or is otherwise neglected or dependent; or

(d) (i) It appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraphs (a), (b) or (c), or another state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum to determine the custody of the child, and (ii) it is in the best interest of the child that this court assume jurisdiction.

(2) Except under paragraphs (c) and (d) of subsection (1) of this section, physical presence in this state of the child, or of the child and one of the contestants, is not alone sufficient to confer jurisdiction on a court of this state to make a child custody determination.

Manfred Edit, Court Appointed Special Advocate for the Youth Court of Adams County, asserted on a legally taped conversation that youth court in Mississippi had jurisdiction because the minor child had committed an offense in Mississippi. That makes no sense to the Parents, that if a kid stole a candy bar and admitted it in Mississippi, that such a fundamental right as Parents have in the care, company, and custody of their minor children would now become under the purview of a youth court judge 1000 miles from home, especially in light of the fact that parents sought to charge Relatives with contributing to the delinquency of a minor, and were instructed by Judge Hudson that the only way to protect their minor child was to file charges that he was "Ungovernable". (See Police Report, Exhibit B).

Immediately after the dispositional hearing, Attorney inquired and was told she could request transcript of hearing as a parent by Vivian Toussaint, prosecutor for the youth court. Parents did not request a transcript for purposes of appeal, as child had at the time of the dispositional hearing been living with Wilton and Mamae Hoggatt for a period of about a month and a half, in Louisiana, had started school, was emboldened by the youth court hearing and finding, and supported and egged on in defiant and disrespectful conduct to Parents by Relatives who were very determined, wealthy, numerous, and jubilant.

Immediately after the dispositional hearing, in the front seating area of the old youth court building in Natchez, Mississippi, Attorney, who is mother of the minor spoke with Judge Hudson and said, "We really were telling the truth about my family. 'You really ought run an NCIC on all these relatives'.

As said conversation took place, Judge Hudson became increasingly angry and loud, and the conversation drew a crowd. In the presence of Manfred Eidt, Court Appointed Special Advocate; and in the presence of Ginger Johnson and Ashley Junkin of the Mississippi Depart of Human Services, Division of Youth Services of Adams County, Mississippi; and in the presence of Leslie Martin, court appointed attorney of the minor, now thought to be residing in Missouri, and in the presence of several clerical youth court personnel, and perhaps youth court Prosecutor Vivian Toussaint and Cassandra Gise of Fayette, Mississippi.

"We really were telling the truth about my family". 'You really ought run an NCIC on all these relatives'. Judge Hudson replied that "you need to change, you need to change, or you are going to drive all your children away!"

and that "***I'm* a *United Methodist* and if Isaiah had done half the things you said in there, he would have been thrown out Millsaps a long time ago!"**

Attorney recommended an NCIC because Relatives have been arrested for incidents of assault on a police officer and resisting arrest, in both Virginia and Texas, possession of marijuana in Mississippi and Virginia, driving under the influence of controlled substances (marijuana) in Virginia, drunk driving by a minor with a false identification in Texas, production of a controlled substance with intent to sell (marijuana) in Mississippi, numerous drunk driving arrests in Mississippi and Louisiana, revocation of driver's licenses in Mississippi and Virginia, serious automobile and truck accidents in Virginia, New York, Mississippi, and speeding in Virginia, Mississippi, Louisiana, and most recently, January 2003 in Texas. An NCIC would show arrests, since they are rarely convicted, and if convicted, conviction is overturned upon appeal.

There were approximately *twenty* obscene and harassing phone calls to a former employee in Virginia, and criminal prosecutions by the Relatives against former employees. Federal Aviation reports would reveal two plane crashes of record, though there were at least two others.

Checking civil records would show at least three lawsuits, two for fires that damaged the property of others, one of which was for maliciously burning up the neighbor's pine forest, and additionally a civil suit for failure to yield right of way at a stop sign, that sent a woman to the hospital by ambulance.

Immediately after the dispositional hearing, when Attorney suggested that Judge Hudson call Nathan Songer of the Monroe FBI, to see that what Parents said about Uncle AJ was true, about acting as federal witnesses, which explained

the extreme hostility of Relatives to Parents of the minor, Judge Hudson in the old youth court building said, **"It is none of your *business*!"**

**"*I'm* a *United Methodist* and if Isaiah had done half the things you said in there, he would have been thrown out Millsaps a long time ago!"** (See **Exhibit D**, letters from Millsaps outlining the infractions committed in the Spring Semester by Isaiah Hoggatt which were part of the court file and given to all intake workers)

If we can ascertain the date of the Dispositional hearing, we will know what day that was, sometime in September or October of 2000.

Thinking that Judge Hudson would not say that had he read the letters from Millsaps College that were part of the youth court records, Parents subsequently sent the letters from Millsaps College that are attached as **Exhibit D** to this Petition to Judge John Hudson. They were already a part of the youth court record, prior to the dispositional hearing.

Thereafter, In a conversation recorded in the old Adams County Youth Court building in October of the year 2001, in a conversation recorded in a public area, (not in the Youth Court itself) in October of the year 2001, Attorney asked Judge Hudson had he read the letters, and said that he had said that Parents could not have been telling the truth about the infractions.

Again, Judge Hudson became very angry, and said, "I did not call you a liar", and told Attorney to "Get on down the hall!"

Upon Attorney's saying that she didn't think he would have said those things on the record, due to Constitutional prohibitions..." Judge John Hudson said,

**"I'm a *United Methodist*! I'm a *Christian*! and I'd say it... Anywhere!"**

The same October 2001 audiotape is the one where Judge Hudson told Attorney to **"Get on down the hall!"**

In conversation legally audio taped in Texas, Judge Hudson explained why it was perfectly normal for a judge to tell a fit mother **"It is none of your business!"** when she suggested that he call Nathan Songer of the Monroe FBI.

Parents continue in the assertion that it is not only their business if their minor child is removed from the custody of a moral, law abiding, Christian home and placed with felons who are bigoted and hate them, but that "parents ...have the right, coupled with the high duty, to recognize and prepare [their children] for additional obligations. ... The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions. 442 U. S., at 602.

The minor's maternal grandfather, Warren Johnson, has been an admitted alcoholic and drug abuser for many, many years. Eric and Victoria Hoggatt had limited the children's association with him according to his degree of sobriety for many years, sometimes prohibiting it altogether. This action enraged Warren Johnson, telling his wife she should come give Eric and Victoria Hoggatt "hell", for sending him a very kind letter stating they were always welcome in their daughter's home when sober, but not if drinking. The combination of vodka drunk straight, chased by Mountain Dew beginning at 6:00 in the morning, and continuing until he went to bed, mixed with large quantities of illegally obtained percodan, percocet, and codeine made it impossible for the family to have any further association with Warren Johnson. He would say things like, "Tell your

mother to shut up", and every other rude and denigrating thing he could think of. He made a scene every time the Parents refused to let the children ride with him. He kept a large jug of vodka behind his pickup seat, and plenty of pills in the glove box of any vehicle he was driving. Dorothy Johnson, of Fancy Gap, Virginia, his wife had refused to ride with him because of drunkenness.

Warren and Dorothy Johnson let the children know that he would provide "everything they wanted" with no supervision whatsoever, declaring that "they didn't want responsibility for any children, no matter what age". "Everything they wanted" includes cars, places to stay, unsupervised hotel rooms, private high school tuition, college tuition matching a $43,000 scholarship, liquor to minors, vacations to Hawaii and most recently, January 2003, snowmobiling in Jackson Hole, Wyoming, trust funds, and a great deal of cash, if the children would leave home. Relatives admission to all of these things are contained in legally recorded conversations that were made for a presentation to the United States Department of Justice, Office of the United States Attorney, (hereinafter referred to as USDOJ) that will be filed concurrently with this petition.

It was hoped that additional evidence of false statements about Parents which were made by Relatives and contained in the youth court records would be included, but as parents and attorney have been denied access, that is impossible.

USDOJ presentation contains evidence that Warren and Dorothy Johnson of Fancy Gap, Virginia, currently residing in Tucson, Arizona; Craig Johnson of Danville, Virginia, who is the brother Victoria Hoggatt of Tyler, Texas; Donna Hoggatt Rombs, sister of Eric Hoggatt, and her husband Ronnie Rombs of Alvin, Texas; Tessa Hoggatt Albritton of Shreveport, Louisiana, the sister of Eric Hoggatt; Wilton Hoggatt and Mamae Hoggatt (deceased) of Wisner,

Louisiana, parents of Eric Hoggatt; Isaiah Hoggatt, son of Petitioners, currently age 22, date of birth June 13, 1980, who was residing until January of 2002 as a student in Jackson, Mississippi, hereinafter "Relatives", admit to the following:

That they have extreme animosity towards the religion of petitioners, and to the Petitioners' efforts to teach their children their faith, and further,

That at the time of both the adjudicatory and dispositional hearings, all Relatives knew of involvement of Wilton and Mamae Hoggatt's involvement with aiding and abetting for profit one Andrew J. Albritton's Flight to Avoid Prosecution for Aggravated Incest and Third Offense Driving While Intoxicated charge in Louisiana. In the USDOJ presentation, all the above Relatives admit to acting in concert to spreading egregious and vicious lies about Eric Hoggatt, DDS, including, but not limited to the following, to-wit:

(1) That Petitioner Eric Hoggatt had "thrown Isaiah", then age 17 and a senior in high school, **"through a plate glass window"** at the family home in Patterson, New York sometime in 1997 or 1998. Further, that Dr. Eric Hoggatt had had to get an attorney in order to get a dental license in New York in order to do medical missions as a volunteer, because he had a criminal record.

(2) That Eric Hoggatt, DDS, has a criminal record, that Warren Johnson "had in his hand a police report from the Oxford Police Department" showing the police came to the home of Petitioners, sirens wailing because Dr. Hoggatt had "beat the hell out of Ethan", elder brother of the minor.

(3) That Eric Hoggatt, DDS couldn't work for the federal government as a dentist because he has a criminal record, whether as a child abuser or something ***worse***, slanderers are not sure. This report emanated from Tessa Hoggatt

Albritton, who worked as a pharmacist on the Barksdale Air Force base in Shreveport, Louisiana during the Persian Gulf War, and which slander was helped along by Wilton Hoggatt, Warren Johnson and other Relatives. It was told to Shari Johnson, the minor's aunt, as well as to anyone to whom such lie would have served a purpose. Parents having been denied access for inspection of records, Parents are not able to ascertain if the Youth Court of Adams County was told these things, and if so, by whom.

> (4) Most recently, Wilton and Mamae Hoggatt and Daphne Woods, sister of the fugitive, have spread slanderous and false reports to FBI Agent Nathan Songer, of Monroe, Louisiana, who may be reached at (318) 387-0773 (hereinafter) FBI and only God and Wilton Hoggatt know who else, about Parents Petitioners. Wilton Hoggatt, durable custodian, and Mamae Hoggatt, (now deceased) told Agent Nathan Songer that Parents made up vicious lies about them to get back at them because "they had gone to court" to get custody of Petitioner's children because Petitioners were "unfit parents", and as "proof", they produced the presence of *what else?* ***The minor child***.

Parents having been denied access for inspection of records, Parents are not able to ascertain with whom the Youth Court of Adams County spoke with prior to removal of the minor from a fit Christian home over Parents' strong objections. However, it appears that Warren and Dorothy Johnson of Fancy Gap, Virginia, currently residing in Tucson, Arizona; Craig Johnson, of Danville, Virginia, who is the brother Victoria Hoggatt of Tyler, Texas; Donna Hoggatt Rombs, sister of Eric Hoggatt, and her husband Ronnie Rombs of Alvin, Texas; Tessa Hoggatt Albritton of Shreveport, Louisiana, the sister of Eric Hoggatt, father of the minor; Wilton Hoggatt and Mamae Hoggatt (deceased) of Wisner, Louisiana, parents of Eric Hoggatt; and Isaiah Hoggatt, may

be, coincidentally, the only persons with whom the Youth Court of Adams County spoke prior to Judge John Hudson's order under the power vested in him as a Youth Court Judge in the State of Mississippi that removed the minor from the custody of a fit Christian home over Parents' strong objections, and to their astonishment.

Warren and Dorothy Johnson currently have Charles Schwab trust funds set up for two minor children of Eric and Victoria Hoggatt, and also for Isaiah and Micah Hoggatt, children of Eric and Victoria Hoggatt, ages 21 and 22, with Victoria Hoggatt's brother, Craig Johnson, as custodian.

Charles Schwab trust funds set up for Isaiah and Micah Hoggatt were set up by Warren and Dorothy Johnson when Isaiah and Micah Hoggatt were minor children of Eric and Victoria Hoggatt, and unlimited funds, cars, and alcohol without the nurture, love, and supervision normally provided by parents have had a proven egregious and deleterious effect on the health, welfare, and safety, morals, and natural family affections of Isaiah and Micah Hoggatt, as well as the minor subject of this cause.

There is no trust fund set up for Ethan Hoggatt, who is a stable, law abiding American citizen, cheerful and capable young man, age 24. Nor are they offering to buy him cars or pay tuition. That is only for those minors that will leave the nurture, love, and supervision of their parents and participate in defamation of Parents and their faith.

A Charles Schwab trust fund for the minor in above styled and numbered cause was setup by Warren and Dorothy Johnson when minor was minor child of Petitioners, 16 years old, after his sophomore year in high school. Relatives, playing on the minor child's natural desire to be with his brothers, who were all very close friends, the inexperience and insecurity as to identity natural to most all teenagers,

the love and respect the minor was taught to have for his grandparents, and the promise of unlimited funds, cars, and alcohol have had a proven egregiously deleterious effect on the health, welfare, and safety, morals, and natural family affections of minor in above styled and numbered cause.

Relatives are aware that minor in above styled and numbered cause drank alcoholic beverages at will in high school, Mamae Hoggatt remarking that he "couldn't hold his liquor". Relatives are aware that the durable custodian allows minor child to stay out all night and that further, that Wilton Hoggatt did not notice Noah missing for the whole night one night that he was arrested and damaged a car belonging to Petitioners. **(See Exhibit J**, letter form Ethan Hoggatt to Judge John Hudson.)

Relatives are aware that the minor lied to him as to his whereabouts in April of 2001 that he damaged the car Chevy Blazer owned by Parents, which Ethan Hoggatt had to go to college in Baton Rouge, Louisiana, to the tune of $2300.

Relatives are aware that the minor damaged Petitioner's car while in his custody, and left it with the transmission stripped in a grocery store parking lot in Louisiana and went on to a party. Wilton Hoggatt, durable custodian, had no knowledge of Noah's whereabouts at the same time that Noah damaged the car, and did not notice Noah missing for the whole night. Noah's father, Dr. Eric Hoggatt, picked Noah up the next day, picked up the vehicle, and reimbursed Len Hoggatt, a cousin of Petitioner's, the fine paid to have Noah released from the custody of the Rayville, Louisiana, Police Department.

The police picked up Noah where his "friends" had left him outside a motel. He subsequently vomited all over Len Hoggatt's home, who kept him until he called Eric Hoggatt the next morning. Parents and Ethan Hoggatt wrote Judge

Hudson concerning Noah's conduct and supervision. Ethan Hoggatt wrote Judge Hudson concerning Noah's conduct about lying to Ethan about use of Parents' vehicle that Parents had given Ethan to use to go to college in Baton Rouge, Louisiana, and asking for restitution, as it was the second vehicle that Noah damaged, having totaled Ethan's truck. (See Exhibit K) Audiotape of Noah taunting his mother, Petitioner, that "Judge Hudson understood that teenage boys go out and get drunk", and that Manfred Eidt, CASA Guardian ad Litem in the above styled and numbered cause, had said that the letters that are part of the court record were "ludicrous" and irrelevant", are part of the USDOJ.

One of the two children who are currently minor children of Eric and Victoria Hoggatt for whom Warren and Dorothy Johnson currently have a Charles Schwab trust fund set up with Craig Johnson named as custodian is the subject of this cause.

The other minor child of Eric and Victoria Hoggatt, for whom Warren and Dorothy Johnson currently have a Charles Schwab trust fund set up with Craig Johnson named as custodian is Anastasia "Sascha" Hoggatt, the nine year old daughter of Eric and Victoria Hoggatt, who is a straight "A", beautiful, wholesome Christian child, who reminds her parents very much of some other children they once knew. Sascha's teachers write home things like that "it warms her heart to see a child that is such a good reader" a "joy" to have in class, and other lovely things. She was chosen by her teacher to be one of the two from her class to run for student council for her grade.

Sascha loves her parents very much, as her parents love her. She recently won second in district competing in Public Reading, having been chosen to compete for her school in the University Intercollegiate League. She loves her friends

and neighbors, who love her back, her bunny and cat, and brother Ethan. She plays football, basketball, Frisbee, and rollerblades. Sascha is heartbroken over circumstances that prevent her other brothers from continuing to be part of a warm nuclear family. The criminal acts of extended family members for the last seven years have been increasingly more egregious, involving our children in increasingly more serious criminal activity, and therefore been increasingly more traumatic to Petitioners. The actions of the youth court have emboldened the extended family for the last two years, since August 20, 2000. They are on record saying they are not sorry for anything have done, and "would do it again".

Petitioner Attorney, and her husband, Eric Hoggatt were terrified of moving back to the southern United States, even though they themselves were raised in Mississippi and Louisiana, fearing for Sascha's and Ethan's well being because of the concerted efforts of extended family members to alienate the children of Petitioners from natural family affection, as well as from Petitioners' physical custody, as were many of the friends of the family. The entire group is emboldened because they feel they have the "law" on their side, meaning Judge John Hudson, and the State of Mississippi, as represented by the Youth Court of Adams County.

Warren and Dorothy Johnson have Micah Hoggatt, Isaiah Hoggatt, and the minor contact the other children, to invite them to Hawaii for Christmas, and that they should let "Gramps help", and that Sascha and Ethan are "brainless" and "stupid" losers for upholding Christian standards, and for loving their parents, being respectful to their fellow man, and demonstrating natural familial affection.

Youth court records reveal testimony from Shari Johnson, the minor's aunt who traveled to Mississippi from Virginia to testify to the destructive influence on the children of

Parents, and a letter from Brenda Smith, who had been eyewitness to the egregious and intentional destructive effect of Relatives and the drunkenness of same on the family of Petitioners. There are numerous letters in the file from friends, young and old, teachers, a minister, and school counselors from New York and from Mississippi that testify to the destructive effect of the continuous, concerted, premeditated, intentional and carefully crafted criminal assault upon the moral character and welfare of the children of Petitioners by Relatives. (See **Exhibit E**, letter, statements, and affidavit of Sherri Gasser Johnson detailing the Relatives' intention, influence, and bigotry.)

Craig Johnson of Virginia learned that the minor's aunt, who is his wife, Shari Johnson of Virginia, had traveled to Natchez, Mississippi from Virginia to testify to the destructive influence on the children of Parents. He threatened "criminal and civil action" for her doing so, or if she did so again, attempting to intimidate a witness in violation of **Miss. Code Ann. § 97-9-55**. (See **Exhibit E**, letter, statements, and affidavit of Sherri Gasser Johnson detailing the Relatives' intention, influence, threats, and bigotry.) Such action is criminal per **Miss. Code Ann. SEC § 97-9-55** Intimidating judge, juror, witness, attorney, etc., or otherwise obstructing justice. If any person or persons by threats, force or abuse, attempt to intimidate or otherwise influence a judge, justice of the peace, juror, or one whose name has been drawn for jury service, witness, prosecuting or defense attorney or any other officer in the discharge of his duties, or by such force, abuse or reprisals or threats thereof after the performance of such duties, or to obstruct or impede the administration of justice in any court, he shall, upon conviction, be punished by imprisonment not less than one (1) month in the county jail nor more than two (2) years in the state penitentiary or by a fine not exceeding five hundred dollars ($500.00), or both such fine and imprisonment.

Numerous threats to harm Shari Johnson are part of the USDOJ presentation.

Although Victoria Hoggatt loves her brother Craig Johnson very much, he is extremely unstable, has been arrested for growing marijuana and most recently, in 2002 driving under the influence of marijuana, with his four and seven year old children in the car. An audiotape of Craig Johnson abusively screaming in front of his four and sever year old children about their mother, and about Parents, and about "arsenic poisoning" was provided Manfred Eidt, guardian ad litem in the above styled and numbered cause. Such audio taped conversation was lawfully recorded, as Texas is a single party consent state. Manfred Eidt was also supplied with audiotape of Wilton Hoggatt and family members, showing extreme animosity about Parents' assistance to the FBI.

The minor's maternal grandfather, Warren Johnson professes himself an agnostic, and believes that no one can know if there is a God, and has always mocked faith in God, no matter the faith was Southern Baptist, Catholic, Hindu, , or Jehovah's Witness. Warren Johnson has exhibited great animosity towards the family's Christian faith for many, many years, discouraging the children's church attendance, belittling prayer, the value of reading the Bible.

Relatives have done everything in their power to undermine Eric and Victoria Hoggatt's conscientious efforts to raise their children to be law abiding, happy, resourceful American citizens. (See **Exhibit I**, letters that are part of youth court file from present and former school counselors, teachers, ministers, and friends of the children.)

Relatives who are anti-God and very secular minded have repeatedly told impressionable children that showing love and loyalty to their family, having faith in Almighty God

and Jesus Christ and the Holy Bible, abiding by Christian standards, meaning forgoing premarital sexual relations, underage drinking and drug use, homosexuality, and viewing X rated movies and other pornography, would deprive them of the "best years of their life", make them "kooks" like their parents, and that they will end up "destitute" if they remained within the love, nurture, supervision, and training of their parents.

In August of 1999, Isaiah Hoggatt, Noah's older brother, then age 20, called Parents' home in Patterson, New York from Danville, Virginia, where he was living with Craig Johnson, and threatened to come to parents' home, threatening, " I'm going to come get my brother". In the presence of Victoria Hoggatt, and other children of the home, Petitioner Eric Hoggatt told his adult son, "Don't come here, Isaiah". Isaiah Hoggatt, in said telephone conversation from Virginia to his parents' home in Patterson, New York replied, "I'm coming to *save* my brother". In the presence of Victoria Hoggatt, and other children of the home, Petitioner Eric Hoggatt reiterated to his adult son, "Don't come here, Isaiah".

Subsequently, Isaiah Hoggatt, then 20 years of age, in August of 1999, in the presence of Warren Johnson, Dorothy Johnson, Craig Johnson, and Sherry Johnson, in a telephone conversation from the Hampton Inn in Danville, Virginia with Micah Hoggatt, in New York, then age 17, who had just finished his junior year in high school, arranged to pick up Micah away from the custody and control of Petitioners against their express wishes, with the intention that Micah Hoggatt never again to return to the love, supervision, oversight, training, custody, care, and nature of Petitioners, his parents.

Subsequently, in the presence of Dorothy Johnson and Shari Johnson, in a hotel in Danville, Virginia, Warren Johnson

and Craig Johnson each gave Isaiah Hoggatt a credit card (provided two a credit cards) and a car for Isaiah and told him to "Go get Micah" from his parents home in New York, and bring him back to Danville, Virginia, with the intention that Micah Hoggatt might never again return to the love, supervision, oversight, training, custody, care, and nurture of Petitioners, his parents.

Isaiah Hoggatt, then age 20, did then break and enter Petitioners' home in august of 1999, while all occupants of the house were sleeping, to take Micah Hoggatt, then 17, who had just finished his junior year in high school away from the custody and control of Petitioners against their express wishes, never again to return to the custody of his parents.

While in the family home, Isaiah Hoggatt took a Civil War sword that had once belonged to Victoria Hoggatt's grandmother, committing grand larceny.

While in the Parents' home, Isaiah Hoggatt crept on the floor in the dark into a bedroom occupied a sleeping female Polish houseguest, frightening her greatly, when she awoke startled and crying out, to see a six foot two, two hundred and something man creeping by her bed in the dark that she had never seen before.

Knowing that he was breaking state and federal law, Isaiah Hoggatt sped away with the minor, leaving the minors' suitcases in the bushes and basement.

The Relatives' motto is "whatever it takes", and has included, but is not limited to, Isaiah Hoggatt, then a resident of the State of Mississippi, transporting Micah Hoggatt, then age 17, to Virginia, Mississippi, and to the home of Wilton Hoggatt in Wisner, Louisiana in August and September 1999 without the permission of the parents, and

over the very strong objection of Parents, after coming to take him away from the Parents' custody in New York in August of 1999, to live with Craig Johnson in Virginia, and then eventually to Alvin, Texas in November of 1999 to live with Donna Hoggatt Rombs and Ronnie Rombs. All Relatives knew that there were acting not only against the express wishes of the parents, but also in violation of federal laws, and state laws in New York, Virginia, Mississippi, Louisiana, and Texas.

Following in the pattern of Relatives malicious, wantonly reckless, and dangerous behavior, and emboldened by what they feel is state sanction for their behavior, children of Petitioners have had their drivers' license suspended in Virginia and Mississippi, once for driving in excess of 100 miles per hour, wrecked cars, have been found guilty of public nudity, arson, and extensive vandalism in Mississippi, open container in Louisiana, proving what the gist of the history of the Uniform Compact on the Interstate Placement of Minors states, that it is generally recognized that unsupervised minors will constitute a danger to themselves, and to society. Mississippi Code: TITLE 43 PUBLIC WELFARE: CHAPTER 18 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (See **Exhibit D**, letters from Millsaps concerning Isaiah Hoggatt's infractions.)

On August 20, 2000, an outline of egregious and continuing, current, concerted criminal action against the family of Petitioners was prepared at the Natchez Police Department with the assistance of two officers of the NPD, Officers McGeehee and Steele, who stated what crime each criminal offense committed would be if committed in Mississippi.

An outline of egregious and continuing, current concerted criminal action against the family of Parents was faxed to the Natchez City Criminal Prosecutor Eileen Maher on August

20, 2000. Upon reviewing the list, the prosecutor for the city of Natchez, Mississippi Eileen Maher said yes, they were actionable criminal acts, and arranged to meet Petitioners at the Youth Court of Adams County to discuss them. By the time Parents arrived to meet with the prosecutor, it appeared she had talked to someone, for her countenance had changed, and just shrugged her shoulders and said, "Jurisdictional nightmare". Petitioners were flabbergasted, as they had son in a motel in Natchez, Mississippi at that time, that Relatives were seeking to take away. Said list the fax included about 15 crimes, including but not limited to:

1) Breaking and entering
2) Burglary
3) Obscene phone calls to other children of the household
4) Threatening phone calls
5) Harassment
6) Contributing to the delinquency of minors in four states
7) Grand larceny
8) Criminal endangerment
9) Supplying alcoholic beverages to underage persons in Virginia

Statement of Shari Gasser Johnson, Noah's aunt who is not one of Jehovah's Witnesses, and who flew at her own expense to testify to the egregious assault and terrible effect of association with Relatives, including but not limited to passing out drunk in the backyard, trouble in school, and throwing up all over her living room couch and moseying off to bed. It was Shari Johnson who wrote the checks when Isaiah had his license suspended in Virginia for driving in excess of 100 miles per hour, and it was her home that was called when Isaiah Hoggatt was mad about being put on disciplinary probation at Millsaps College, in Jackson, Mississippi, and wanted Craig Johnson or Warren Johnson to call and give someone "hell" when his appeal was denied by the President of Millsaps College. Shari Johnson came for

the hearing, but Judge Hudson had the flu, so Youth court intake workers Manfred Eidt and either or both of Ginger Johnson or Ashley Junkin, all young enough to be children of the Parents, met briefly with her and told Shari Johnson "they didn't want to hear anything bad". (See **Exhibit E**, letter, emails, and affidavit of Sherri Gasser Johnson detailing the Relatives' intention, influence, and bigotry)

Ethan Hoggatt had to fly home to New York, because he was committed to help build a church, wanted to get back to work, and was sick of sitting around Natchez, Mississippi in one hotel room with his sister and Parents.

Warren Noah Hoggatt, pled, and was adjudged guilty of the charge of "Ungovernable Behavior" sometime after August 20, 2000, but before October 10, 2000, by the Youth Court of Adams County, Natchez, Mississippi, Judge John Hudson presiding. The actual dates of sequence of events cannot be ascertained at this time because Victoria Hoggatt has been denied access to all records of the cause, except an abstract of the Order for Durable Legal Custody, although requesting same for a period over one year, since October of 2001.

Wilton Hoggatt, paternal grandfather of Noah Hoggatt was granted custody of the minor over the strong objection of the parents.

Eric and Victoria Hoggatt of Patterson, New York, had remained in or around Natchez, Mississippi for over one month living in hotel rooms with Ethan and Sascha Hoggatt, two of their other children, from August 19, 2000 until sometime after September 28, 2000 until disposition of the cause was held. The family was over 1,000 miles from home. Naomi Morris, the minor's then current school counselor and family friend tried repeatedly to reach youth court intake workers, was rebuffed, and told that they would contact her if necessary. Many friends, including Betty

Smith, who had been a neighbor and very close family friend from before the minor's birth, and who was well aware of drug and alcohol addictions in the extended family and the very deleterious effect of the grandparents on the health, welfare, and morals of the children of Petitioners from personal observation, called repeatedly to reach youth court intake workers and Manfred Eidt and were rebuffed. They told by persons answering the telephone that they would contact them if necessary.

Wilton Hoggatt, paternal grandfather of Noah Hoggatt was awarded custody, though distance would effectively prohibit any meaningful visitation with the minor. Great animosity towards the parents was exhibited on the court record by family members.

Natchez, Mississippi was over 1000 miles from the family home of Petitioners Eric and Victoria Hoggatt and the minor child, and the two other children of the household, which home was in Patterson, New York, making continuing meaningful contact with Noah's mother, father, brother, and sister still then at home an impossibility. More importantly, the influence from which Petitioners sought to protect their children has had the exactly effect they feared.

Mamae Hoggatt, of Wisner, Louisiana, paternal grandmother of the minor child, died in April of 2001.

Since the minor's placement with Wilton Hoggatt, durable custodian, committed assault and battery, repeatedly striking his older adult brother, who is 5' 9" tall, saying Ethan had "f....." over Grandma" by not joining in a prayer at the funeral. Minor is 6' 4". In the fall of 2002, Micah Hoggatt in a conversation with Petitioner Victoria Hoggatt stated that the fugitive had died. Noah committed Unauthorized Use of a Vehicle in the State of Louisiana, causing $2300 damage to Parents' vehicle. Micah and Isaiah

Hoggatt committed state and federal crimes in November of 2002, in Mississippi, namely Interstate Commission of Uttering Forgery of Petitioner's signature to commit wire transfer fraud in excess of $10,000 in November of 2002, in Jackson, Mississippi. (See **Exhibit F,** letters from Charles Schwab detailing wire fraud.)

Petitioners are unable to locate any information or acts on the part of that the youth court of Adams County that would demonstrate any act, encouragement or intent, that Noah Hoggatt might ever again return to the love, supervision, oversight, training, custody, care, and nurture of Petitioners, his parents.

Conversely, due to egregiously hate filled testimony on the court record of the dispositional hearing, and from statements from Relatives in conversations with intake workers that revealed extreme animosity towards Parents and their religion, youth court workers for the youth court of Adams County knew or should have known that if removed by the State of Mississippi from custody of his Parents by Court Order of Judge John Hudson, that Warren Noah Hoggatt would never again return to the family home, nor ever again return to the love, supervision, oversight, training, custody, care, and nurture of Petitioners, his parents.

The Court Record, a transcript of which is hereby requested, contains such statements as:

1) "Mainstream religions consider them a cult"

2) Wilton Hoggatt stating very angrily that he had said that the minor's Mother "was crazy" and should be institutionalized

3) Wilton Hoggatt said that he "saw" Petitioner Attorney "kiss her minor son and act all sexy" around him, and that it made him "sick to his stomach".

4) Mamae Hoggatt loudly perjuring herself, about how she knew nothing "about AJ" i.e. her brother, Andrew Albritton and had never done anything to illegally assist him since his arrest, in answer to Petitioner Eric Hoggatt's question "Are you going to help the FBI find AJ?". The Parents were allowed only two questions each for cross-examination.

5) Most showy of all was that the Honorable Judge Hudson would not let the Parents say *anything, speak,* the Parents who had only brought the proceedings because *Judge John Hudson told them* on the night of August 19, 2000 that the Parents had to charge the minor with being "ungovernable", in order to invoke the protection of the State of Mississippi to protect the family and their minor child from relatives who said they were then on their way to pick up the minor.

Strangely enough, Donna Hoggatt Rombs, Tessa Hoggatt Albritton, say that Wilton Hoggatt and Mamae Hoggatt told them that they (Wilton and Mae Hoggatt) told "the FBI agent" everything they had sent AJ, their contact with him, and that "the FBI agent" said, "What kind of man would turn his own *father* in to the FBI?!" and assured them that they wouldn't get in "*any* trouble" at all, if they did nothing "further". Micah Hoggatt says that he "heard her (Donna) say that several times".

This is the same Wilton Hoggatt that lies to the minor, telling him that the minor's cousin that was sexually assaulted isn't even related to her own grandfather, and that the parents of the victim just put the child up to reporting the sexual assault at 8 years of age as extortion to get the poor fugitive's 80 acres, which coincidentally is the subject of the aiding and abetting, and is currently owned *by the durable custodian and*

*his children*, Wilton Hoggatt, Donna Hoggatt Rombs, and Tessa Hoggatt Albritton.

Wilton Hoggatt also told Nathan Songer that the minor that was sexually assaulted isn't even related to her own grandfather.

The rumors currently swirling through the Relatives are that parents of the child abuse victim may be the ones that are molesting her, causing her to attempt suicide. Per Donna Hoggatt Rombs in November of 2002, **"You think *one* time with AJ is causing all this trouble? Has it ever occurred to you that maybe the child's *own father* is doing something"....** that caused her to try to commit suicide?

There is a reason that Donna Hoggatt Rombs said in November to Attorney that Micah Hoggatt, Isaiah Hoggatt, and the minor in the above styled and numbered cause are "vicious, sadistic, liars" and "damaged goods". That relatives, which includes Donna Hoggatt Rombs, is the least merciful, and least capable of uttering a truthful statement that Parents have ever encountered. Vicious, sadistic, liars, to borrow her own words. They are not the average Mississippian, or Louisianan, or Virginian, and they aren't at all like Texans. Texans like words like "Welcome to Texas!" , "authentic", and "God Bless You." They are busy building, not tearing down.

Manfred Eidt, Guardian ad Litem, has been instructed by Judge John Hudson not to release any information to Victoria Hoggatt, either as an attorney for parents of the minor, or as mother of the minor child, since December 23, 2001 until date of this petition. (See **Exhibit G,** letter from the Petitioner to Manfred Eidt and a reply from Manfred Eidt to the Petitioner.) This is a very strange and unusual occurrence, that the Court Appointed Special Advocate and Guardian ad Litem is instructed not to allow a fit parent to

inspect any thing or receive any records concerning the fit parents' minor child. Attorney knows of no such circumstance in her experience as officer of the youth court, nor as an attorney licensed in the State of Mississippi since 1978, nor has she found any other judge, worker for the Department of Human Services, or Chancery Clerk that has ever heard of such denial of right to inspect upon request, the records in a youth court cause by the attorney for the fit parents of the minor who had been adjudged delinquent.

Parents of the minor child are unable to ascertain if Noah is currently under the supervision of the Mississippi Department of Human Services. Judge Hudson stated Tuesday, January 14, 2003 that he did not know if the minor is currently under the supervision of the Mississippi Department of Human Services, Division of Youth Services for the State of Mississippi, in the office of the Circuit Clerk of Adams County and in the presence of M. L. "Binky" Vines.

Petitioners are unable to ascertain if all relevant requirements under the Interstate Compact on Placement of Children have been met for out of state placement, and in fact know of no receiving state home study and no acceptance evaluation as required by law. ICPC requires a finding by receiving state (Louisiana) that specific custodial placement would be in the child's best interest.

Petitioners are unable to ascertain the nature of the counseling services Noah has received, if any, when, and by whom. Manfred Eidt stated in audio taped conversation that Noah received no counseling of *any* kind after Petitioners' wrote Judge John Hudson concerning the minor's commission of Assault and Battery upon his brother Ethan Hoggatt in Wisner, Louisiana, after Mamae Hoggatt's funeral, on property of the Durable Custodian, in April of

2001, which attack was motivated by religious hatred, for Ethan not joining in a prayer at the funeral service.

Manfred Eidt stated in audio taped conversation that he knew of no counseling of *any* kind that the minor received after Petitioners' wrote Judge John Hudson concerning the minor's arrest in April of 2001 by the Rayville, Louisiana Police Department, *"so drunk he didn't know anything except his name, and his parents' phone number in New York"*, according to the arresting officer.

Petitioners are unable to ascertain that anyone from Division of Youth Services visited the minor after Ethan Hoggatt, wrote Judge John Hudson after the minor's arrest by the Rayville, Louisiana Police Department. In fact, Manfred Eidt believes that neither he, the CASA, nor the youth court counselor, or anyone from the division of youth services visited him after Judge was made aware of these facts by Petitioners. Parents have no reason to believe that counseling service or supervision of any sort was provided by the State of Louisiana, and if fact, believe that the provisions of the Interstate Compact on Placement of Children have not been met.

Petitioners are unable to ascertain that any Youth Court Counselor was ever assigned to minor's cause, or that a Youth Court Counselor from the Youth Court of Adams County ever visited the minor in the period in excess of two years since custody was removed from Petitioners, and Manfred Eidt did not know offhand whether the minor was ever on any sort of probation following the finding of ungovernable behavior.

Petitioners are unable to ascertain that anyone from Division of Youth Services, or the Youth Court of Adams County visited the minor after Ethan Hoggatt, who is a brother of the minor child, wrote Judge John Hudson concerning

restitution for $2300 damage done to an automobile owned by Petitioners during the minor's commission of unauthorized use of a vehicle while in the custody of the present custodian in April 2001. Manfred Eidt stated in audio taped conversation that to his knowledge, the minor received no counseling or supervision by the State of Mississippi of *any* kind after appointment of durable custodian in October of 2001.

Petitioners are unable to obtain a copy of the order adjucating the minor delinquent, nor the date of the dispositional hearing from Manfred Eidt, Court Appointed Special Advocate; Ginger Johnson and Ashley Junkin of the Mississippi Depart of Human Services, Adams County; Mississippi Eileen Anderson, Youth Court Counselor for the State of Mississippi in the above styled and numbered cause because John Hudson, Judge of the Youth Court of Adams County, located in Natchez, Mississippi, has told them not to disclose to Attorney even what *dates* the hearings were held.

Petitioners are unable to ascertain the nature of the counseling services Noah has received, if any, when, and by whom. When petitioner Attorney John Hudson asked how could be ascertained, and whether Noah is currently under the supervision of the Mississippi Department of Human Services, Judge Hudson said that that could be ascertained by asking the custodian. On the audiotape supplied to Manfred Eidt, Court Appointed Special Advocate, Mr. Hoggatt says, "He doesn't want to talk about that Shit!" referring to the circumstances of minor in his custody.

Wilton Hoggatt and said Relatives are growing ever more hostile towards Petitioners, as the investigation of Wilton Hoggatt's continuing criminal involvement with Andrew Allbritton, Jr. concerning the Aggravated Incest, Third Offense DWI, and Federal UFAP charge continues. (See **Exhibit H**, the FBI Wanted Poster for Andrew J. Allbritton.)

Micah Hoggatt, son of Petitioners, stated in a telephone conversation that the he had certain knowledge that the fugitive had died, and acted as if he was about to say even where the body was buried. In later conversation, Micah denied ever saying so. Donna Rombs, sister of Petitioner Eric Hoggatt told Attorney that all of the boys, meaning Isaiah, Micah, and the minor in the above styled and numbered cause are "vicious, sadistic, liars", and "damaged goods". The company they keep does not promote good citizenship or honesty. Petitioners assert that the deterioration of the morals and faith of their children from association with cruel and sadistic people was judicially enforced by the State of Mississippi, children whom we so dearly love were raped of things so precious to the enjoyment of human life. Family, the ability to trust and cooperate, faith in a God you know loves you, honesty, love. (See Exhibit I, letters from friends of the Petitioners' family)

The Parents continue in the assertion, always held, and told to Manfred Eidt, Court Appointed Special Advocate, Ginger Johnson and Ashley Junkin of the Mississippi Depart of Human Services, Adams County Mississippi Eileen Anderson, Youth Court Counselor, and which is also a part of the official court record at the dispositional hearing, that Relatives, including Wilton and Mamae Hoggatt were extremely angry at Petitioners at the time of the both initial hearings, adjudicatory and dispositional, and that Relatives are outraged at Petitioners' cooperation with law enforcement officials, with the exception of the family of Petitioner's first cousin, the father of the child who was molested seven years ago by the fugitive.

The Parents continue in the assertion, always held, that Wilton and Mamae Hoggatt came into the Adams County Youth Court courtroom in September of 2000, for the purpose of witness intimidation and obstruction of justice.

Wilton and Mamae Hoggatt wanted to show Parents what would happen to them if they did serve as Federal witnesses. The concerted efforts of said Relatives was to demonstrate the humiliation and pain that would be caused to Parents if they ever did testify, that they would not be believed, and that all Relatives would show up to defame Parents' character. This concerted and criminal action was performed in order intimidate federal and state witnesses, namely Petitioners, who were then currently (prior to either hearing in August and September or possibly October of 2000), providing information to assist the Investigator with the Franklin Parish, Louisiana Sheriff's Office, Tim Pylant, responsible for the apprehension of one Andrew J. Allbritton, and also the Federal Bureau of Investigation Agent Nathan Songer, Monroe Louisiana. Parents had provided information by telephone conversation concerning Wilton and Mamae Hoggatt's aiding and abetting Andrew J. Allbritton's Interstate Flight to Avoid Prosecution, Wilton and Mamae Hoggatt's telling them of lying to the FBI about his whereabouts, and Wilton and Mamae Hoggatt's telling Petitioner's about lying to the FBI about sending the fugitive tens of thousands of dollars over a period of years.

All of these facts were made known to all youth court workers prior to the dispositional hearing held for the minor. Dispositional hearing transcript will reveal that Parents also made Judge John Hudson aware of the grandparents involvement, and that they were basically told to hush.

Wilton and Mamae Hoggatt subsequently did use the fact that Judge Hudson awarded 83-year-old man custody of a 16-year-old minor, 1000 miles from his parents' home, to defame character of Parents, and was believed by Nathan Songer. On audio taped conversation, said FBI Agent states that Wilton Hoggatt's court appointed custody of the minor is why Eric and Victoria Hoggatt's testimony would be

suspect. Mother of the aggravated incest victim said that Agent Nathan Songer said that the custody issue would "cloud" the issue of reliability of testimony of Parents, in a judge's mind were the Agent to seek a warrant to check bank records of Wilton and Mamae Hoggatt and Daphne Woods of Monroe, Louisiana. Daphne Woods is the sister of Andrew Allbritton, Jr. and the sister of Mamae Hoggatt (deceased) and the aunt of Eric Hoggatt, Petitioner. Daphne Woods was instructed by Wilton Hoggatt to tell FBI Agent Nathan Songer to lie to the FBI about how the minor came to be in his physical and legal custody, and is on audiotape denying she ever mentioned Parents name, "your name never came up", denying any mention of the minor in the above styled and numbered cause in conversation with Agent Nathan Songer, and denying any knowledge of how minor came to be living with her sister at 16 years of age in Wisner, Louisiana. When asked if she ever wondered how minor came to be living with her sister at 16 years of age says she just "minds her own business", "that's how she is".

Agent Nathan Songer was the agent over the UFAP warrant investigation of Andrew Allbritton, Jr. from date of issue of UFAP warrant until reassignment to the Terrorism unit recently. Agent Nathan Songer also stated in conversation with Attorney that the custody issue would "cloud" the issue of reliability of testimony of Parents.

Petitioner served as assistant Youth Court Counselor for the Third Chancery District of the State of Mississippi and is familiar with youth court practice in the State of Mississippi. Never when serving as assistant youth court counselor did Petitioner Attorney ever deny access for inspection to youth court records to an attorney representing the parent of a minor child, nor to a parent of the child, acting individually. Petitioner has never heard of a duly licensed attorney in the state of Mississippi representing the parent of a minor child

subject to youth court proceedings being denied his or her statutory right of access to the youth court records.

Upon learning of Judge John Hudson's attempt to prohibit all access to youth court records by Petitioner, Dr. Eric Hoggatt traveled from Texas with the minor daughter of the family to help organize evidence necessary for this petition, and in order to accompany Petitioner to the Youth Court of Adams County, as the atmosphere is palpably hostile. The Circuit Clerk loudly, and on audiotape, said Attorney had "lied to" him, "had lied to his assistant clerk", "You misrepresented who you were" several times, and said Attorney had made "misrepresentations to me and misrepresentations to my clerk", and demanded to know, *"Are you an attorney?"* Petitioner responded that she was, and that her bar number and Mississippi Supreme Court number were at the beginning of the Petition.

When Attorney reiterated that Judge Hudson had really told her that she had statutory right of inspection, and that if he would like to hear the audiotape, he became more angry and started over on the "**misrepresentations** ", "**I'm not going to let anyone abuse my files**" and threatened to ***"call the sheriff to remove you"***. Until yesterday, Attorney had never had anyone offer to call the cops on her. She herself interned as a police officer with the Grenada Police Department, but never arrested anyone or wanted to, just got to go riding, and worked as night dispatcher.

Attorney, the wife of Parent's first cousin, Marisa Allbritton who was a party to the petition and there in the Circuit Clerk's office because the youth court facility directed the group across the street to get their signatures notarized, there being no notary public in the youth court facility at the time, with a minor, the 15 year old aggravated incest victim. Not wanting to face the folks in the Circuit Clerk's office, Ethan Hoggatt, who was born and raised until age 18 in

Oxford, Mississippi, Parents' 24 year old son who is a legal assistant from Texas had his signature notarized by the Chancery Clerk's office where the lady was very kind, took a picture of the Circuit Clerk with her little camera, since he was making such a show, in order to go along with the audiotape, and Mr. Vines began hollering about how she couldn't do that, that "**I'm a public official**". The young girl was there with her mother to meet Judge Hudson, who had heard of her, but had never met her.

Attorney has never had a judge or law school professor angry with her as a licensed attorney in the state of Mississippi, who has been licensed in said state since 1978, approximately 25, and to her recollection, has never in her fifty one years, had anyone call her a liar, except for one person that was drunk and on drugs. And now the Circuit Clerk of Adams County. Since Attorney and M. L. Vines had not previously met, one can surmise that his information about Attorney was from Judge John Hudson. Besides not being civil behavior, SECTION 11 of the Bill of Rights of the Constitution of the State of Mississippi provides that "The right of the people peaceably to assemble and petition the government on any subject shall never be impaired" and directs that victoms of crime be treated justly.

**SECTION 26-A of the Bill of Rights of the Constitution of the State of Mississippi** provides that (1) Victims of crime, as defined by law, shall have the right to be treated with fairness, dignity and respect throughout the criminal justice process; and to be informed, to be present and to be heard..."

The question of jurisdiction remains unanswered in Parents' mind because **Miss Code Ann. SEC. 93-16-3** would not permit the present durable custodian even to petition for *visitation* rights if the parents were *Mississippi residents*

*getting a divorce.*

Eileen Anderson of Adams County, Mississippi has not returned voice mail messages, messages left at the Youth Court Office of Adams County, calls since from Friday, January 17, 2003, until present date of petition, even though Eileen Anderson said in an audio taped conversation on January 17, 2003 that she would talk to Judge Hudson and her supervisor, and contact Petitioner as soon as possible. Eileen Anderson has for Attorney two cell phone numbers, a landline number, a fax and email address. All youth court personnel have been warned not to even *talk* to Petitioners, and none can be reached by telephone, nor will return calls, though they are aware that Petitioners are incurring great expense and disruption of their family life, to stay in Natchez, Mississippi until youth court records are produced for inspection.

Manfred Eidt, Court Appointed Special Advocate and Guardian Ad Litem, sent Petitioners an abstract of Order for Durable Custody months earlier (2002) per telephone request from Attorney from her home in Tyler, Texas. It seems odd that an order which is part of the youth court record can be released when requested orally over the phone, but that Judge Hudson will bar inspection of an order in the same styled and numbered cause when Attorney requests inspection of the original order adjudging the minor delinquent when she appears in person.

Division of Youth Services intake workers for the State of Mississippi who investigated the original incident, Ashley Junkin and/or Ginger Johnson sent letters favorable to Parents filed with the Youth Court prior to the dispositional hearing in September or October of 2000, to Attorney in 2002 per telephone request from Parents from their home in Tyler, Texas. (See **Exhibit I**). It seems odd that letters favorable to Parents which are part of the youth court record

can be released when requested orally over the phone, but that Judge Hudson will bar inspection of same letters and others like them when Attorney requests inspection of the very same documents, when she appears in person.

Such actions by Manfred Eidt, Court Appointed Special Advocate and Guardian Ad Litem and Ashley Junkin and/or Ginger Johnson, Division of Youth Services intake workers for the State of Mississippi demonstrate that Manfred Eidt, Court Appointed Special Advocate and Guardian Ad Litem and Ashley Junkin and/ or Ginger Johnson, Division of Youth Services intake workers for the State of Mississippi show that they know the meaning of the statute concerning inspection.

Manfred Eidt was finally reached by telephone on January 24, 2003 and said he would request that John Hudson allow release of a copy of abstract of order of the first two hearings, and a time line of when hearings were held for the period in excess of one month that Parents remained in Natchez, Adams County in August, September, and possibly October of 2000. Attorney requested that he please let her know something that afternoon. Parents did not hear from Manfred Eidt, Court Appointed Special Advocate and Guardian ad Litem again, until February 6, 2003, though he had two cell phone numbers, a landline number, a fax and email address to reach Attorney locally and a home phone in Tyler, Texas where he could reach father of minor child. After Attorney left many messages, Manfred Eidt finally returned the call *February 6*, 2003, saying the Judge said not to give an abstract or copy of the first order until this Petition was considered, nor even the dates of the hearings.

On January 24, 2003, Manfred Eidt, Court Appointed Special Advocate and Guardian ad Litem was supplied with audio taped evidence that demonstrated that Wilton Hoggatt does lie about his criminal involvement with his brother in law,

has had contact with the fugitive, is enraged at Parent's cooperation with the FBI, and that other family members are also. Manfred Eidt, Court Appointed Special Advocate and Guardian ad Litem was further supplied with a grossly obscene audiotape of Craig Johnson of Danville, Virginia abusively screaming at Attorney. Craig Johnson of Danville, Virginia is the same uncle of minor with whom the minor travels too Jackson Hole to Snowmobile, and other exotic and expensive vacations. Micah Hoggatt and Isaiah Hoggatt, children of Parents have lived, worked for, and gotten drunk and thrown up in Craig Johnson's home, and is the uncle in whose back yard Isaiah Hoggatt, son of Petitioners, then age 19, was found passed out drunk upon Craig Johnson's return from Texas.

Said two audiotapes, of conversations legally recorded of Wilton Hoggatt, Tessa Hoggatt Albritton, and Craig were presented for inclusion as evidence as part of this petition for Disclosure of Records.

Judge Hudson's secretary called on Thursday, February 6, 2003, one week after petition was filed to say it must be filed on 8 ½ by 11-inch paper, and would be considered March 4, 2003. Attorney reminded said secretary that hearing of motion was not requested, Petition merely requested that Judge Hudson follow the law concerning inspection and instruct youth court workers, and Department of Human Services workers to do the same. Secretary said, "I'm just a little ole secretary".

Attorney asked that secretary ask Judge Hudson if aforementioned audiotape supplied Manfred Eidt and still in the possession of the youth court may be attached to Petition as exhibit thereto before Attorney left town. Secretary reiterated that she would see if she could get a response to that question, but "I'm just a little ole secretary", and replied over a week later with an answer, that the Judge

said that the audiotape could be offered at the time of the hearing in March for consideration so that opposing attorneys would have opportunity to consider it. When Attorney said she didn't understand who attorney's were who may oppose Parents' and Attorney's statutory right of inspection, she reiterated, "I'm just a little ole secretary, and I have done what my boss told me to do."

No one listed in this Petition in the youth court of Adams County, including the judge's private number or his County Court office, will answer the telephone. They only have voice mail.

Parents assert that they were told immediately before the dispositional hearing in September of the year 2000, ***what had been decided and what was going to happen immediately*** before entering the youth court courtroom, and are afraid that the same thing will happen again if Petitioners are not allowed inspection of the record to prepare.

Petitioners assert that maternal grandparents and other Relatives have exerted a terribly destructive influence over *their* children that have had substantial contact with them, Craig Johnson and Victoria Johnson Hoggatt, as well the children of *their* children. The vortex that is substance abuse sucks everyone down who gets too close to the brink. Audiotape evidence sent to the U.S. Department of Justice concurrent with this petition reveals that when family members try to escape, such constructive behavior is viewed as disloyal, almost like trying to quit the Mafia. Sherri Gasser Johnson told her husband Craig Johnson, Victoria Hoggatt's brother, that the next time he screamed abusively for hours naked and drunk in front of the kids, she was leaving. She did. Four days later Craig Johnson presented himself at the Danville Virginia Police Department with a Styrofoam cup saying his wife had poisoned him and

demanding that the police test his blood. The Danville Police Department refused. They told him if he was adamant about having his blood tested, he could go to private laboratory. Craig Johnson persisted in his demands until the Danville Police Department took four vials of blood. It may be coincidental that Warren Johnson of Fancy Gap, Virginia vowed that he had "One last good fight in him" and would do "whatever it takes" to "see the bitch buried under the jail". It may be coincidental that Warren Johnson oft said when on an anti-environmental tirade, " I could drink *this* much arsenic and it wouldn't hurt me! I could drink *this* much DDT and it wouldn't hurt me!". Craig Johnson on audiotape evidence included in the presentation to the U. S. Department of Justice thought it might have been "arsenic", that he described how it tasted, and the intake worker at the Danville Police Department said "it sounded like arsenic". Warren Johnson poisoned the two dogs of Petitioners while they were visiting in Sardis, Mississippi, leaving out wieners soaked in antifreeze prepared for varmints.

Detective Snow of the Danville Police Department in Danville, Virginia stated that investigations of accusations of criminal activity that Craig Johnson filed charges or attempted to file criminal charges against his estranged wife, Sherri Johnson appeared groundless, except for arguments one against the other concerning division of their incorporated small business. Petitioners assert no knowledge of actual facts of the matter, as to whether such charges were true or false and/or fabricated to intimidate Shari Gasser Johnson or to influence divorce and custody proceedings. Craig Johnson with the help of Isaiah Hoggatt who was not attending the Fall Semester of 2002 at Millsaps, College in Jackson, Mississippi, though he had not yet graduated, managed to exert sufficient pressure upon the Commonwealth Attorney for the State of Virginia to convene a grand jury concerning accounting irregularities in their small business, which did not return an indictment.

Craig Johnson of Danville, Virginia has attempted to charge his wife criminally with fixing the brakes, attempted murder by poisoning, arson concerning a fire in their home that caused enough serious damage that the family had to move out, theft, fraud. Petitioners assert no knowledge of actual facts of the matter, as to whether such charges were true or false and/or fabricated to intimidate Shari Gasser Johnson or to influence the disposition of divorce and custody proceeding which were pending at the time of the minor's hearing August 19, 2000, *and are still pending* at the time of filing of this petition.

Craig Johnson will not produce financial records as ordered by the court. Isaiah Hoggatt, adult son of the petitioners who was living in Danville, Virginia with his Uncle Craig to assist his uncle with preparation for the grand jury hearing proceedings, and who served as the chief witness for prosecution *at* the grand jury hearing proceedings for Craig Johnson, was also living in Craig Johnson's home when the financial records that were requested by the Court thereafter mysteriously disappeared, after Craig Johnson angrily demanded them from his attorney, who has since quit, as have all other council of record for Craig Johnson in the aforementioned divorce and custody proceedings. Craig Johnson reported a "break in" to which the Danville Police were summoned, in which only the financial records were missing with no sign of forced entry.

These are the Relatives Judge John Hudson forced the minor child in above styled and numbered cause into association with, against the Petitioner's express wishes and over their strong objection. All of Parents' children that keep company with said Relatives, including the minor in the above styled and numbered cause, exhibit the same outrageous reckless disregard for the rights and dignity of others and utter contempt for the rule of law, as it applies to them. As

substance abuse worsened, Parents sought every way possible to remove their children from the influence of those Relatives, because the effect on the entire family was grievous, and getting worse. All of Parents' children that keep company with Family, including the minor in the above styled and numbered cause, have adopted previously uncharacteristic vicious, cruel, sadistic behavior, especially toward women, children and minorities, and provided self incriminating evidence of their criminal behavior on audiotape.

Petitioners have become ever more appreciative of the maxim that the most fundamental of human liberties guaranteed by the United States Constitution is the "the right to be let alone".

Petitioners were advised by Mr. Clarence Powell of the Mississippi Department of Human Services state office that the only recourse he knew of to remedy the judges' refusal of timely access to records would be to send a copy of the petition of the Motion for Disclosure requested by Judge Hudson to the office of the Honorable Mike Moore, Attorney General for the State of Mississippi.

Accordingly Parents have repeatedly left voice message on voice mail, and with secretaries in the Mississippi State Attorney General's Office, to Patty Marshall, and to Alice Wise, with whom Parents spoke when first denied access to inspect youth court records. Parents have now been advised they need to speak with Gloria Green, who has not returned messages. It is the seventh of February 2003, and the treatment afforded Parents of trying to reach anyone resembles the treatment of Parents by the youth court of Adams County in August, September and possibly October of 2000. All voice messages and responses are audio taped.

The Attorneys to whom the petition will be sent, Patty Marshall, Alice Wise, and Gloria Green are the Attorneys for the State of Mississippi who make rulings advising the Mississippi Department of Human Services, in the Attorney General's Office for the State of Mississippi. Said Attorneys are experts on statutory law requiring precautions necessary to protect of the identity of the minor child, and will follow same.

Pursuant to **§ 93-16-3, subtitled, "Who may petition for visitation rights; when; court in which to file petition",** the current custodian would not even have the right to petition for *visitation* rights if Parents were *legal residents of Mississippi* that were in the midst of *divorce and or custody proceedings!*

(1) Whenever a court of this state enters a decree or order awarding custody of a minor child to one (1) of the parents of the child or terminating the parental rights of one (1) of the parents of a minor child, or whenever one (1) of the parents of a minor child dies, either parent of the child's parents who was not awarded custody or whose parental rights have been terminated or who has died may petition the court in which the decree or order was rendered or, in the case of the death of a parent, petition the chancery court in the county in which the child resides, and seek visitation rights with such child.

(2) Any grandparent who is not authorized to petition for visitation rights pursuant to subsection (1) of this section may petition the chancery court and seek visitation rights with his or her grandchild, and the court may grant visitation rights to the grandparent, provided the court finds:

(a) That the grandparent of the child had established a viable relationship with the child and the parent or custodian of the

child unreasonably denied the grandparent visitation rights with the child; and

(b) That visitation rights of the grandparent with the child would be in the best interests of the child.

(3) For purposes of subsection (3) of this section, the term "viable relationship" means a relationship in which the grandparents or either of them have voluntarily and in good faith supported the child financially in whole or in part for a period of not less than six (6) months before filing any petition for visitation rights with the child or the grandparents have had frequent visitation including occasional overnight visitation with said child for a period of not less than one (1) year.

Therefore Petitioner prays for relief as follows, to-wit:

That Judge John Hudson of the Youth Court of Adams County, Natchez, Mississippi, order and adjudge that it is in the best of interest of the minor that attorney for the parents to inspect all youth court records in the above styled and numbered cause forthwith, as Petitioners are legal residents of the State of Texas, and are incurring great expense, as Attorney has been in the Natchez, Mississippi area for over two weeks, which is a long time to be away from your family, and Attorney has nine year old daughter that needs her mother, and is herself a 51 year old mother, that needs her daughter.

And further prays that Judge John Hudson issue an order directing the Circuit Clerk of Adams County, Manfred Eidt, Court Appointed Special Advocate and Guardian Ad Litem; Ashley Junkin and Ginger Johnson of the Mississippi Department of Human Serivices; Eileen Anderson, Youth Court Counselor for Adams County, Mississippi; Vivian Toussaint, Prosecutor for the Youth Court of Adams County,

to produce for inspection all court records in the above styled and numbered cause, which files include, but are not limited to, the following, pursuant to Mississippi Code Annotated 43-21-251:

> The court records of the youth court shall include:
>
> (a) A general docket in which the clerk of the youth court shall enter the names of the parties in each cause, the date of filing the petition, any other pleadings, all other papers in the cause, issuance and return of process, and a reference by the minute book and page to all orders made therein. The general docket shall be duly indexed in the alphabetical order of the names of the parties.
>
> (b) All the papers and pleadings filed in a cause. The papers in every cause shall be marked with the style and number of the cause and the date when filed. All the papers filed in a cause shall be kept in the same file, and all the files shall be kept in numerical order.
>
> (c) All social records of a youth court, which shall include all intake records, social summaries, medical examinations, mental health examinations, transfer studies and all other information obtained and prepared in the discharge of official duty for the youth court

(i) A "social summary" is an investigation of the personal and family history and the environment of a child who is the subject of a youth court cause. The social summary should describe all reasonable appropriate alternative dispositions. The social summary should contain a specific plan for the care and assistance to the child with a detailed explanation showing the necessity for the proposed plan of disposition.

(e) Proceedings of the youth court and evidence

Whereas the State of Mississippi per the Attorney General's office stated Petitioner attorney did have right of inspection upon request and so did Chancery, as did the very youth court workers here, on tape, that are now unreachable and denying access.

It is the contention of Attorney that Judge John Hudson is trying to stonewall, because he knows egregious due process and civil rights violations are in the record. There is scarcely a Constitutional right he did not violate, and no one made him do it or to say those things.

Petitioner prays for such relief immediately, as Petitioners have a minor child in school in Tyler, Texas, and a son who needs to work for a paying job. Parents assert that such denial of clearly enumerated rights taxes resources of the family of Eric Hoggatt, and impairs Petitioners' ability to provide for their family, whom they so dearly love.

And further prays that Judge Hudson will issue an order forthwith to notify the Circuit Clerk of Adams County that Petitioners should no longer be denied access to inspect all Youth Court records in the above styled and numbered cause, and to direct that Manfred Eidt, Court Appointed Special Advocate and Guardian Ad Litem; Ashley Junkin and Ginger Johnson of the Mississippi Department of Human Resources; Eileen Anderson, Youth Court Counselor for Adams County, Mississippi; Vivian Toussaint, Prosecutor for the Youth Court of Adams County, to completely and quickly disclose for inspection youth court records in the above styled and numbered cause,

Petitioner Attorney further respectfully prays, that full copies of all youth court records as outlined by statute above may be supplied to Petitioner Attorney forthwith, to her

legal address in Tyler, Texas, that appropriate counsel may be prepared, as Attorney is mindful of adage about attorney representing herself, and hereby prays for inspection and release of records to know what they may expect should retention of counsel be necessary should durable custodian die, or become disabled, and what counsel to retain to prevent another egregious denial of civil liberties like the first one.

Petitioner Attorney further respectfully prays that Judge Hudson find that it is in the best interest of the minor for full copies of all youth court records as outlined by statute above may be copied and supplied to Attorney by registered mail forthwith, as youth court personnel are refusing to speak with Attorney and further, that she feels keenly the hostile atmosphere of Judge Hudson and does not wish to return to Natchez, Mississippi unless absolutely necessary, now having remained *more than one month* in the vicinity.

Attorney hereby requests a transcript of both the adjucicatory hearing and dispositional hearing, and further requests that Judge Hudson order that it is in the best interest of the child that the original audiotape recording owned by the court reporter for both hearings be allowed to be copied by the court reporter for Attorney, if same exist, as they have evidence of the extreme hatred manifested by Relatives that may not be contained in the duly transcribed record, i. e., Mamae Hoggatt's stage whisper of "Say *yes*, Wilton, say *yes*!". "Say *yes*, Wilton, say ***yes***!" when Wilton Hoggatt could not bring himself initially to respond *at all* to Judge Hudson's questions that are part of many custody dispositions, when there is a divorce action pending, to discourage talk or activity by one parent that would damage the reputation of the other parent in the minor's eyes. Wilton Hoggatt could not bring himself initially to say that he would refrain from speaking disparagingly of Parents, or say that he would refrain from doing anything that would

cause the minor to disrespect his parents, and that he would support the reunification of the family.

Mamae Hoggatt's stage whisper of "Say *yes*, Wilton, say *yes*!". "Say *yes*, Wilton, say ***yes***!" was for the purpose of encouraging him to respond in the affirmative when Wilton Hoggatt could not bring himself initially to respond to Judge Hudson's question about supporting reunification of the family. Wilton Hoggatt could not bring himself initially to respond *at all* to Judge Hudson's attempt to elicit a "yes", that Wilton Hoggatt would support the reunification of the family of Eric and Victoria Hoggatt, quite possibly because he was in the Youth Court of Adams County for the express design of separating the minor child, Warren Noah Hoggatt, from the physical custody and natural familial affections of his Parents, and from the love, supervision, oversight, training, custody, care, and nurture of Petitioners, his God given fit parents, in order to present the minor to law enforcement officials to damage the credibility of federal witnesses, to obstruct justice and escape prosecution for criminal acts that he was then, and is now continuing to commit, involving children of Petitioners. Petitioners would assert that they are most seriously displeased.

Petitioners are unable to locate any information or acts on the part of Judge John Hudson of the Youth Court of Adams County, Mississippi; Manfred Fidt, Court Appointed Special Advocate; Ginger Johnson and Ashley Junkin of the Mississippi Depart of Human Services, Division of Youth Services of Adams County, Mississippi; Eileen Anderson, Youth Court ~~Counselor~~ for the State of Mississippi in the above styled and numbered cause that that would demonstrate any act, encouragement, or intent, from August 20, 2000 to date of this petition, that the minor might ever again return to the love, supervision, oversight, training, custody, care, and nurture of Petitioners, his parents. There may be information contained in the intake files of

allegations as to fitness of Parents of which they are not aware.

*But* if Parents and/or Attorney are permitted their statutory right of inspection of inspection upon request of youth court records in the above styled and numbered cause, and further are given copies of all youth court records in the best interest of the child, they will look diligently for information or acts on the part of Judge John Hudson of the Youth Court of Adams County that would demonstrate any act or encouragement that would permit inference of intent of Youth Court of Adams County and Relatives at the time of the dispositional hearing on *some* pleasant day September or October in Natchez, Mississippi, that the minor child ever return to the love, supervision, oversight, training, custody, care, and nurture of Petitioners, his parents, who still are, irrespective of assertions to the contrary, the parents who were entrusted by Almighty God with the honor and privilege to provide love, supervision, oversight, training, custody, care, and nurture Warren Noah Hoggatt, minor child in the above styled and numbered cause.

Respectfully submitted, this _____ day of February 2003.

_____

Victoria Johnson Hoggatt
Mother of Ethan, Isaiah, Micah, Noah, and Sascha Hoggatt

10 lbs. 7 oz., 10 lbs. 2 oz., *12 pounds*, 10 lbs. 7 oz., 9 something

Victoria Johnson Hoggatt
4015 Stonebrook Lane
Tyler, Texas 75707
(903) 565-0169
Mississippi State Bar # 2497

**Exhibits to Petition for Disclosure**

**A** 1998 Eric Hoggatt Family Tax Return

**B** August 19/20, 2000 report from the Natchez Police Department

**C** Letters of the professional character of Eric Hoggatt

C - 1 Letter from Bible Society

C - 2 Letter from Edward C. Senior, D.D.S.

C - 3 Letter from Orlin T. Johnston, D.D.S.

C - 4 Letter from H. Keith Linn, D.D.S.

C - 5 Letter from Tia R. Pratt, RDH

**D** Letters from Millsaps College, Jackson, Mississippi, of infractions committed by Isaiah Hoggatt all of which were in youth records and known to all intake workers prior to the Dispositional Hearing

D - 1 February 22, 2000 letter from Millsaps College Associate Dean Cindy Strine to Isaiah Hoggatt outlining the official record for the decision of the Judicial Council putting Isaiah on Disciplinary and Social Probation

D – 2 March 3, 2000 letter from the President of Millsaps, George M. Harmon to Isaiah Hoggatt

D – 3 March 9, 2000 letter to Isaiah Hoggatt from Millsaps College seeking restitution for damages

D – 4 April 10, 2000 letter to Mr. and Mrs. Eric Hoggatt from Millsaps explaining the Judicial Council Hearing

D – 5 April 28, 2000 letter to Millsaps from Dr. Eric Hoggatt thanking them for their concern for Isaiah Hoggatt

D – 6 May 2, 2000 letter from Patrick Cooper seeking restitution for damages done to a dorm floor

D – 7 June 1, 2000 letter from Patrick Cooper to Parents concerning charges due to damages in the dorm

E

E – 1 Death Certificate for Earl Cornelison, Jr.

E – 2 Obituary for Earl Cornelison, Jr.

F Statements from Shari Johnson outlining the bad influence of the grandparents and other family members. Portions of Petition are found on the bottom portion of Exhibits F - 3 through F - 8. Shari Johnson's comments are found at the top of each page. Electronic transfers by computer were utilized because

Parents were hoping for a timely resolution of this matter and inspection of records.

F - 1 January 23, 2002 Introduction to comprehensive statement from Shari Johnson

F - 2 January 23, 2002 Comprehensive statement from Shari Johnson

F - 3 January 29, 2003 Evidence of Craig Johnson accusing housekeeper of stealing documents ordered produced by the Commonwealth of Virginia for his divorce proceeding while Isaiah Hoggatt was living with Craig Johnson

F - 4 January 29, 2003 Evidence of extortion

F - 5 January 29, 2003 Evidence of bigotry

F - 6 January 29, 2003 Evidence of Isaiah Hoggatt's involvement in the Commonwealth of Virginia criminal prosecution for Craig Johnson

F - 7 January 29, 2003 Evidence that Isaiah Hoggatt was in Danville,Virginia with Craig Johnson when he alleged a break-in wherein papers for his divorce proceedings were allegedly stolen

F - 8 Evidence of Shari Johnson being told by Manfred Eidt, Ginger Johnson, Ashley Junkin September or October, 2000, that they did not want to hear about Warren, Dorothy, and Craig Johnson's influence on Isaiah, Micah, and WNH, or about the "willful way

they went about convincing the boys to leave, changes in behavior in Isaiah (Hoggatt) or anything"

F - 9 January 29, 2003 Evidence of Isaiah Hoggatt's speeding tickets

F - 9 January 29, 2003 Evidence of Isaiah Hoggatt committed perjury in a court proceeding in the Commonwealth of Virginia while testifying for Craig Johnson concerning his relationship with the "expert witness", his girlfriend, who spent the weekend with him at his uncle Craig Johnson's home. Isaiah later stated on or about February 21, 2003 that the expert witness was a "*very* dear friend".

G

Letter from Ethan Hoggatt to Judge John Hudson prior to appointment of Wilton Hoggatt as durable custodian in year 2001.

H

H - 1 November 2002 letter to Charles Schwab wherein Isaiah Hoggatt forged Victoria Hoggatt's name in Jackson, Mississippi.

Wire fraud by Micah Hoggatt who stated that it was his mother's signature.

H - 2 December 12, 2002 letter from Victoria Hoggatt to Charles Schwab.

I

I - 1 August 25, 2000 letter from Selma Green, School Counselor, Oxford, Mississippi

I - 2 September 24, 2000 letter from John Douglas Morris, close family friend, minister.

I - 3 September 25, 2000 letter from Brenda Smith, friend and neighbor who knew W.N.H.

All three letters were faxed on December 28, 2001 from Ashley Junkin or Ginger Johnson, Mississippi Department of Human Services, Division of Youth Services, Natchez, Mississippi showing Department of Human Services, Division of Youth Services knew of right of inspection of Parents and abided by it until told by Judge Hudson not to talk to Parents.

**J**

J - 1 Note faxed from Attorney to Manfred Eidt.

J - 2 Message dated December 23, 2001, faxed on or about December 28, 2001 from Manfred Eidt, Court Appointed Special Advocate and Guardian ad Litem wherein he says Judge Hudson had voice mail on Manfred Eidt's office recorder (before Christmas, after everyone was off for the holidays) showing that Judge Hudson prohibited officers of the Youth Court from cooperation with Parents.

**K**

K - 1 FBI Most Wanted Fugitives List.

K - 2 International Crime Alert for Andrew Allbritton, Jr.

**L-1** Eric and Victoria Hoggatt's letter supplied to Tim Pylant of the Franklin Parish (Louisiana) Sheriff's Office and FBI Agent Nathan Songer in the year 2000. This was the information given to both of them by telephone in August of 2000. Both officers later said in the year 2001 that they had not received the letter. Another copy was sent by certified mail.

**L - 2** Signed Return Receipt dated December 6, 2001 from Tim Pylant.

**L - 3** Signed Return Receipt dated December 7, 2001 from Nathan Songer.

**M** Letter from Victoria Hoggatt that was faxed to Ginger Johnson Wimberly, Ashley Junkin, Vivian Toussaint, and Manfred Eidt in January, 2003 after Ginger Johnson Wimberly and Ashley Junkin were instructed not to communicate with Parents or Attorney.

**AFFIDAVIT AND WRIT**

THE STATE OF MISSISSIPPI

COUNTY OF ADAMS

Personally appeared before me, the undersigned Justice Court Judge - Justice Clerk in and for said county Victoria Hoggatt who, being duly sworn on oath doth say that in District No. _____ in the County of Adams on or about the 8th day of July, 2003 Circuit Clerk's office has refused to give V. H., a licensed attorney a copy of the order designating the record for Mrs. Hoggatt's appeal to the Mississippi Supreme Court.

M. L. Vines has refused to serve process on witnesses, though same has been legally requested. Judge John Hudson's secretary, Jeanine Wickham called V. H., and was legally recorded on audiotape that Judge Hudson had told the Circuit Clerk's office to issue summons. Upon arrival for the July 10, 2003 hearing, M. L. Vines office said they had not issued summons because Judge John Hudson told them not to, in violation of 97 - 1 - 1 and 97 - 9 - 55.

Against the peace and dignity of the State of Mississippi:
Victoria Hoggatt
Sworn to and subscribed before me this
4015 Stonebrook Lane
18th day of July, A.D., 2003
Tyler, TX 75707

_____

Justice Court Judge - Clerk

**TO THE SHERIFF OR ANY CONSTABLE OF SAID COUNTY - GREETINGS:**

You are hereby Commanded to arrest the above named _____ Charged with _____ if to be found in your County of _____ and _____ _____

and bring before me forthwith to be proceeded against according to law.

Given under my hand this _____ day of _____ _____, 20____

I hereby appoint _____ as Special Constable fully authorizing him to execute this writ:

Given under my hand this _____ day of _____ _____, 20____

**AFFIDAVIT AND WRIT**

THE STATE OF MISSISSIPPI

COUNTY OF ADAMS

Personally appeared before me, the undersigned Justice Court Judge - Justice Clerk in and for said county Victoria Hoggatt who, being duly sworn on oath doth say that in District No. _____ in the County of Adams on or about the 9th & 10th day of July, 2003 Judge John Hudson had his secretary call to say that Judge Hudson said a youth court hearing scheduled July 10, 1:30 p.m. would be an evidentiary hearing, and that Judge Hudson had called the Circuit Clerk's office to tell them to issue summons that attorney Victoria Hoggatt had legally requested served.

Upon arrival at the Circuit Clerk's office July 10, 2003, office of Circuit Clerk said they had not served (filmed Mrs. Alexander) summons because Judge Hudson had told them not to. 97 - 9 - 75 Resisting Service of Process

Against the peace and dignity of the State of Mississippi:
Victoria Hoggatt
Sworn to and subscribed before me this 18th day
4015 Stonebrook Lane
of July, A.D., 2003
Tyler, TX 75707

_____
Justice Court Judge - Clerk

**TO THE SHERIFF OR ANY CONSTABLE OF SAID COUNTY - GREETINGS:**

You are hereby Commanded to arrest the above named _____ Charged with _____ if to be found in your County of _____ and _____ _____ and bring before me forthwith to be proceeded against according to law.

Given under my hand this _____ day of _____ _____, 20____

I hereby appoint _____ as Special Constable fully authorizing him to execute this writ:

Given under my hand this _____ day of _____ _____, 20____

**AFFIDAVIT AND WRIT**

THE STATE OF MISSISSIPPI

COUNTY OF ADAMS

Personally appeared before me, the undersigned Justice Court Judge - Justice Clerk in and for said county Victoria Hoggatt who, being duly sworn on oath doth say that in District No. _____ in the County of Adams on or about the 24th day of January and 6th day of March, 2003, Philip LeTard gave to Isaiah Hoggatt, then age 22, youth court documents to send to Craig Johnson in Virginia, who subsequently called & threatened attorney, "I'm going to rack your ass," in violation of youth court statute. Both persons, Isaiah Hoggatt & Craig Johnson had previously committed criminal acts against the parents of the minor, namely threatening phone calls, grand larceny, giving alcohol to minors who were children of Eric and Victoria Hoggatt, giving a credit card and assisting Warren Noah Hoggatt to absent himself from his parents custody in violation of Miss. Code 97 - 5 - 39. Mr. LeTard said on court record, "I thought they should know."

Against the peace and dignity of the State of Mississippi:
Victoria Hoggatt
Sworn to and subscribed before me this 18th day
4015 Stonebrook Lane
of July, A.D., 2003
Tyler, TX 75707

_____
Justice Court Judge - Clerk

**TO THE SHERIFF OR ANY CONSTABLE OF SAID COUNTY - GREETINGS:**

You are hereby Commanded to arrest the above named _____ Charged with _____ if to be found in your

County of _____ and _____ _____ and bring before me forthwith to be proceeded against according to law.

Given under my hand this _____ day of _____ _____, 20____

I hereby appoint _____ as Special Constable fully authorizing him to execute this writ:

Given under my hand this _____ day of _____ _____, 20____

**AFFIDAVIT AND WRIT**

THE STATE OF MISSISSIPPI

COUNTY OF ADAMS

Personally appeared before me, the undersigned Justice Court Judge - Justice Clerk in and for said county Victoria Hoggatt who, being duly sworn on oath doth say that in District No. _____ in the County of Adams on or about the 6 day of March, 2003, John Hudson, Manfred Eidt, Vivian Toussaint, Ashley Junkin, Phillip LeTard did act in concert 97 - 1 - 1 to deprive attorney Victoria Hoggatt of due process of law and to obstruct justice by helping Wilton Hoggatt and Noah Hoggatt to file a Motion to Terminate Custody on March 5, 2003 so that attorney could not prepare for hearing. Attorney V. H. was not given notice required by law. Manfred Eidt said Judge Hudson had made a ruling on attorney V. H.'s Petition for Disclosure, and decided she could inspect CASA & DHS documents to be considered at the hearing for which she was given no notice immediately prior thereto. Manfred Eidt said on audiotape that attorney mus inspect those documents rt. then, or "forever waive" her right to inspect them. When attorney asked if she could speak to Judge Hudson, Manfred Eidt reiterated the Judge Hudson said she must immediately inspect those documents or be "forever barred". (97 - 9 - 55) Attorney was told she could not have copies to work from at hearing, and could not use her laptop computer to take notes.
Against the peace and dignity of the State of Mississippi:
Sworn to and subscribed before me this _____ day of _____, A.D., 20____

_____
Justice Court Judge - Clerk

**TO THE SHERIFF OR ANY CONSTABLE OF SAID COUNTY - GREETINGS:**

You are hereby Commanded to arrest the above named _____ Charged with _____ if to be found in your County of _____ and _____ _____ and bring before me forthwith to be proceeded against according to law.

Given under my hand this _____ day of _____ _____, 20____

I hereby appoint _____ as Special Constable fully authorizing him to execute this writ:

Given under my hand this _____ day of _____ _____, 20____

**AFFIDAVIT AND WRIT**

THE STATE OF MISSISSIPPI

COUNTY OF ADAMS

Personally appeared before me, the undersigned Justice Court Judge – Justice Clerk in and for said county Victoria Hoggatt who, being duly sworn on oath doth say that in District No. _____ in the County of Adams on or about the 1st day of April, 2003 Wilton Hoggatt of Wisner, Louisiana did unlawfully testify falely to questions asked about violent acts he had committed against his wife, and said he had never said that attorney Victoria Hoggatt "would go stone damn crazy" if she didn't stop helping an aggravated incest victim by telephone in the youth court of Adams County; said matter being material to said youth court hearing.

Against the peace and dignity of the State of Mississippi:
Victoria Hoggatt
Sworn to and subscribed before me this 18th day
4015 Stonebrook Lane
of July, A.D., 2003
Tyler, TX 75707

_____
Justice Court Judge – Clerk

**TO THE SHERIFF OR ANY CONSTABLE OF SAID COUNTY – GREETINGS:**

You are hereby Commanded to arrest the above named _____ Charged with _____ if to be found in your County of _____ and _____ _____ and bring before me forthwith to be proceeded against according to law.

Given under my hand this _____ day of _____ _____, 20___

I hereby appoint _____ as Special Constable fully authorizing him to execute this writ:
Given under my hand this _____ day of _____ _____, 20____

AFFIDAVIT AND WRIT_____

THE STATE OF MISSISSIPPI

COUNTY OF ADAMS

Personally appeared before me, the undersigned Justice Court Judge - Justice Clerk in and for said county Victoria Hoggatt who, being duly sworn on oath doth say that in District No. _____ in the County of Adams on or about the 11th day of July, 2003 did willfully, unlawfully and feloniously take a video camera, the personal property of Victoria Hoggatt against her will by jerking the camera from off her neck. (97 - 3 - 73) He also did purposely, knowingly and unlawfully attempted to put Victoria Hoggatt in fear of eminent serious bodily harm by rushing toward her in an angry manner, grabbing for her camera. (97 - 3 - 7(1)(c))

Against the peace and dignity of the State of Mississippi:
Victoria Hoggatt
Sworn to and subscribed before me this 18th day
4015 Stonebrook Lane
of July, A.D., 2003
Tyler, TX 75707

_____
Justice Court Judge - Clerk

**TO THE SHERIFF OR ANY CONSTABLE OF SAID COUNTY - GREETINGS:**

You are hereby Commanded to arrest the above named _____ Charged with _____ if to be found in your County of _____ and _____ and bring before me forthwith to be proceeded against according to law.

Given under my hand this _____ day of _____ _____, 20____

I hereby appoint _____ as Special Constable fully authorizing him to execute this writ:
Given under my hand this _____ day of _____ _____, 20____

August 25, 2000
Ginger Johnson [MDHS worker]

Dear Ms. Johnson:

I am writing this letter in reference to the Hoggatt family. I have known them for the last seventeen years and have found them to be loving and caring people. It was after the home schooling of the children that I got to work with the three oldest children as their counselor. It was no doubt in my mind that the children were ready for middle school, for when we gave the achievement tests, they were on target with the rest of the children their age level. Therefore, they were placed with their chronological grade level.

During that year, Ethan, the eldest, was in the 8th grade and won the Woodmen of the World Award. This award was given to the person who had the highest score on the history test. The next year, Isaiah, the second son, only missed receiving the same award by one point. All three children seemed to have been well adjusted socially and intellectually. Micah, the third child, was an average student and a real boy.

As we followed the two oldest boys through high school, they received many academic honors. Ethan received the Construction TECH 1 Award, and he and Isaiah both were placed in the top 10 in the national Spanish Exam for 3rd year Spanish. Isaiah received honors in French as well.

As Jehovah's Witnesses, they did not appear to be deprived of what was needed to be well-

adjusted children. Their travels during the summer included visits to Portugal, Spain, Belize, and France. Their religion exposed them to many cultures and people from all around the world. In my opinion their religion made them socially, emotionally, and morally sound. Their family was well spoken of in our community as well as respected.
Sincerely,
/s/ Selma J. Green
Retired Counselor (CP 89).

From Goldman Sachs September 25, 2000
[Facsimile]
September 25, 2000

Ms. Ashley Junkins
Division of Youth Services
Natchez, MS
RE: Noah Hoggatt

Dear Ms. Junkins:

In reference to today's court proceedings, I would like to provide you with additional information regarding the environment in which Noah Hoggatt and his siblings have been reared. Through many years of friendship with the Hoggatt family, I have observed first-hand the warm, loving and nurturing atmosphere Eric and Victoria Hoggatt have provided for their children.

I first became acquainted with the Hoggatts in the early 1980's when as a teenager I selected Eric as my dentist. Up until this time I had been terrified of any dentist. On my first office visit to Eric I lost my fear of dentists. I tell you this to underscore the gentle nature that is Eric Hoggatt. Although I was fourteen years old at the time, Eric struck me

as being one of the nicest person I had ever met. His demeanor was so gentle and calming that I frequently would fall asleep during my dental examinations.

As time progressed, Eric and his family became Jehovah's Witnesses. At this time my family and I had already been one of Jehovah's Witnesses for many years. Through a study of the Bible and the resulting knowledge of strong, healthy, Bible-based principles, Jehovah's Witnesses are truly an international brotherhood without preference for race, socio-economic distinctions and other divisive factors.

My family and the Hoggatts became very close friends. Through my teenage years, I frequently baby-sat for the Hoggatts. As I got older our friendship developed to a more mature level, no longer being that of parents and babysitter, but a true friendship that went beyond the differences in our age, race, social, or economic backgrounds, the common thread being out faith.

Some of my fondest memories are the time I spent at their home or when they visited my home. Eric and Victoria worked hard to provide a beautiful home for their children. Not only was their house and property physically beautiful, the true beauty stemmed from their warm family life. The only times my visits to the Hoggatt home felt strained or uncomfortable were when Mr. Johnson, Vickie's father was visiting. On each occasion that our visits coincided, Mr. Johnson would be either under the influence of alcohol or rude, hostile and belligerent, usually a combination of all of the above, creating an atmosphere of extreme discomfort for everyone.

I have many friends and acquaintances who are Jehovah's Witnesses and many who are of other faiths and I can **unequivocally** state that I have observed Eric and Vickie's conduct for twenty years an I have never met any two

parents who have shown more love and concern for the welfare of their children. I have never once witnessed Eric and Vickie engaged in behavior that would be detrimental to either their children or themselves. They have always strived to give their very best to their children and to instill in them a sense of responsibility and respect.

The conduct that Noah and two of his older brothers are engaged in is certainly not something that was taught to them by their parents. Irregardless of their current conduct, these children were taught by their parents, to have respect for authority, respect for other people and the property of others, and to be honest, hardworking individuals who take responsibility for their actions.

Not only am I appalled by the actions of Noah and his brothers, I'm also deeply saddened as well, for if anyone deserves love and respect from their children, it would be these parents, who have not only loved their children, but have loved being parents.

**Until recently, Noah and his two brother's behavior mirrored their good upbringing. In all the years of my association with and observations of this family, the only conduct that could be characterized as being negative to a child's development was the conduct of Mr. Johnson, their maternal grandfather. Eric and Vickie did not allow their children to associate with anyone displaying the characteristics that Mr. Johnson chose to display in front of their impressionable eyes and minds.**

I can not underscore enough the fact that Eric and Vickie Hoggatt have been and are very good parents, who love their children and have spent their effort and energies in giving them the best possible childhood.

I can think of no greater tragedy than to allow the person whose conduct has been most detrimental to these children to now be allowed to have custody of them, over and above their parents who have invested so much into the development of these children.

Although I re-located to New York eight years ago, my friendship wit the Hoggatts remained in-tact. I was thrilled several years ago to learn that they too were moving to New York. Now we visit as often as our schedules allow, and although we are unable to visit as often as we'd like, when we are together it is as if time has stood still. They are still the good people I've known for twenty years.

In addition to the above, I would be happy to provide you any further information, or answer any questions you may have. If I can be of any assistance, please do not hesitate to call me at (212) 357 - 2290 (o) or (9140 664 - 1673.

Sincerely,

/s/ Brenda Smith
(R 92-93)

Sept 25, 2000 from IBM (203) 486-4045 to (601) 446-5111 [Facsimile]

2 Lakeview Drive
Katonah, NY 10536
September 24, 2000

Re: Ashley Junkin [MDHS caseworker]

Dear Mrs. Junkin,

I am writing this letter as a friend of Dr. and Mrs. Eric Hoggatt. The Hoggatts are good friends of our family

and we've had the opportunity over the last couple of years to spend much time together, including spending our vacation together last summer. While I could relate in detail about the excellent reputation that Eric and Vicki have in the local community, I'll confine this letter to a few personal comments.

My wife and I have two children, our daughter is married and our son is 17. As concerned parents, we have always been seeking out the best association for our children. Thus, when we first met the Hoggatt family, we were very excited to find a family that worked together, shared many of the same values as we did, and were involved in their children's lives. Since we have many common interests, it has been very easy to do things together as families. Since both Eric and Noah play basketball very well, my son and I, along with other mutual friends, have played basketball at the Hoggatt's home, in local gyms and at an exercise club where the Hoggatt family has a membership, on many, many occasions. For a period of several weeks last summer, we met every week at the Hoggatt's home for a weekly ball game. During this time, I've been impressed with the excellent standard that the Hoggatt's have set. Whether it was playing ball, socializing afterward, or in any other circumstance, Eric and Vicki have always been consistent in handling issues that came up, moving to resolve any problems, and looking for a good and fair solution for everyone involved. This standard, added to their outstanding hospitality and loyalty as friends, has really helped deepen our relationship as families.

Noah has always been a full participant in the activities we've been involved in. In fact, it was often Noah that would bake cookies, or make dessert for us to

enjoy after the ball game. He can best be described as simply an integral part of the family, working together, playing together, laughing together, eating together, and so on. Noah and I have had several occasions to talk personally together and I have always found him to be extremely courteous and involved in the conversation. Since I have a 17-year old son, I'm well aware of the challenges that youths face today, and I know that Noah has had his fair share. To his and his family's credit, I have seen problem's arise, problems addressed and resolved, and the family continuing to work together. In this day and age, that is no small task and I appreciate the effort of all involved to accomplish that.

I'm providing this letter as a very brief summary of our family's relationship with the Hoggatts. In looking at Noah's welfare, I am of the strongest opinion that he will achieve his best and rise to the caliber of person that he is, by continuing to work alongside his father and mother in the nurturing atmosphere that they provide. I have no doubt that Noah will continue to thrive alongside his family. He is not a rebellious son but rather an intelligent and sensitive individual who is being influenced by those who are not looking out for his best long-term interests. Eric and Vicki understand their son and do know what is in his best interest. Any course of action other than having Noah at home with is parents is, at best, a guess with unknown outcome.

If I can be of any further assistance, please don't hesitate to contact me. I can be reached at (203) 486-2571.

Sincerely,

/s/ J. D. Morris (R 90-91)

Hope you are well. Enclosed please find a tape detailing recent events (July of 2003) concerning Adams County Judge John Hudson. The first part of the video was filmed in the office of the Circuit Clerk of Adams County, Mississippi at approximately 11:00 a.m., July 10, 2003 immediately proceeding a 1:30 hearing on the Designation of Record for an appeal currently pending before the Mississippi Supreme Court, notice of appeal filed April 7, 2003 by Victoria Hoggatt.... If you would like to send a camera person to film Obstruction of Justice and Civil Rights Violations in the office of the Circuit Clerk in Adams County, Mississippi on Friday, July 18, 2003, I'm sure the staff of the court system will be happy to oblige. All of the audiotaped conversations on the tape I am sending were legally audiotaped in Texas, as part of a presentation to the United States Department of Justice.

I am an attorney that has been licensed in the State of Mississippi for the last 25 years. I will be present in the Circuit Clerk office to ask for documents to which I am statutorily entitled, specifically orders dated September 25, 2000, October 2001, and May 2, 2003, that are orders awarding custody, pursuant to Mississippi statute. I will also ask for the return of the check sent by registered mail to the Adams County Circuit Clerk's office, that was sent along with a request for a service of process (witnesses legally summoned) to a hearing held July 10, 2003 in Adams County, since the Circuit Clerk's office did not summon witnesses that I requested for that hearing. The judge is not only thought to have interfered with the summoning of the witnesses, but to have actually directed the witnesses that were requested to be summoned *not* to appear at the hearing. The two court officials that were summoned, (or legally should have been, except for the judge directing the clerk not to issue summons) were Ashley Junkin of the Department of Human Services, and Manfred Eidt, who was the guardian ad litem in the case working for CASA (Court

Appointed Special Advocate). Ashley Junkin and Manfred Eidt were the caseworkers in the cause that have been at every hearing for the last two years. CASA was represented at the hearing, but by another person. Manfred Eidt is the short dark haired person in the video. That is his voice on audiotape two days before the hearing, stating that he will attend the hearing.

The office of the Circuit Clerk in Adams County, Mississippi did not serve process on my witnesses because they say the County Judge John Hudson told them not to. The voice you hear on audiotape two days prior to the July 10, 2003 hearing saying that the judge has told the Circuit Clerk to issue summons is Judge John Hudson's secretary, Jeanine Wickham. She also states that the hearing will be an evidentiary hearing.

**On Friday, July 18, 2003, I will fill out affidavits for criminal conspiracy charges against Judge John Hudson, County Judge for Adams County, Mississippi for Obstruction of Justice, in a multi state conspiracy that involves seven years of very serious crimes committed against three families. One family lives in Texas, one in Louisiana, and one in Virginia. None live in Mississippi. None did the time of the initial contact with the youth court on the night of August 19 / 20, 2000, or ever have since. There are children still in danger. Parents and child were residents of New York, and had been for years. Neither parents nor child have been residents of Louisiana since the date in September of 2000 when parents were stripped of custody of their child. Wilton Hoggatt, the 82**

**year old grandfather awarded custody by [Judge] John Hudson has always been a resident of Wisner, Louisiana.**

Conspiracy to Obstruct Justice charges will also be filed against M. L. "Binky" Vines, who is the Circuit Clerk, and against his deputy clerk, Jackie Nichols, for official misconduct, since they not only did not send summons as required by statute, but have done everything in their power to hinder (obstruct, impede) court proceedings from the first contact Victoria Hoggatt had with them.

In January 2003, M. L. "Binky" Vines intimidated potential witnesses, Marisa Allbritton and her minor child, a fifteen year old female, who is the victim of a sexual assault, by threatening to call the sheriff to have them removed from the office of the Circuit Clerk, on audiotape. Marisa Allbritton was then in the Circuit Clerk's office to notarize an affidavit to a Petition for Disclosure that was being filed by Appellant. Both mother and daughter, the aggravated incest victim, were intimidated.

On January 29, 2003, M. L. "Binky" Vines intimidated Attorney Victoria Hoggatt and her son and paralegal, Ethan Hoggatt in the presence of potential witnesses Marisa Allbritton and her minor child, by threatening to "call the sheriff to have you removed" from the office of the Circuit Clerk, on audiotape. Marisa Allbritton was then in the Circuit Clerk's office to notarize an affidavit to a Petition for Disclosure that was being filed by Appellant. Vines stated on audiotape that Appellant attorney, Victoria Hoggatt, "lied to me", and had "lied to my clerk", in the presence of Marisa Allbritton and her minor child. Appellant has attempted to document obstruction of justice, and has had [Deputy Sheriff] Jason Wisner called at least twice when she appeared to request documents to which she was legally entitled. Another Deputy Clerk ran to the Juvenile Justice

Building on July 11, 2003 to alert the CASA worker of something, who knows what. The three secretaries at the Juvenile Justice Center stated that Manfred Eidt was not there, on video, and called law enforcement. While [Victoria Hoggatt] was filming Manfred Eidt as he talked outside of a public building, the officer stated that [Victoria Hoggatt] could not film outside a public building, because "you can't take a camera in a federal courthouse in Detroit." [Victoria Hoggatt] stated that she was documenting what had gone on illegally. The officer demanded[Victoria Hoggatt]'s camera, and when she backed away as he was advancing, jerked it off her neck, on videotape, greatly frightening [Victoria Hoggatt] and her son who was with her.

On Thursday, July 17, 2003, [Victoria Hoggatt] will seek to file criminal charges against Natchez attorney Vivian Toussaint, currently serving as prosecutor for the Youth Court Division of the County Court of Adams County for perjury. On the record of the July 10, 2003 youth court hearing, when Victoria Hoggatt was questioning Judge John Hudson as to why her summons were not served, and witnesses not at the hearing, youth court prosecutor stated that she e - mailed opposing counsel (Appellant Victoria Hoggatt) stating that the hearing was to be an evidentiary hearing only. She did not respond to attorney Victoria Hoggatt's telephone messages that were left at Toussaint's home, office, or at the youth court, that were numerous, about having to request a continuance because of not being able to get the Circuit Clerk's office to respond at all, as to whether or not they had gotten service of process or not. The enclosed e - mails were sent to Vivian Toussaint on July ____, 2003 and July ____, 2003. There was never any response to this e - mail. Note the repeated request.

On Thursday, July 17, 2003, Appellant will seek to file criminal charges against Wilton Hoggatt of Wisner,

Louisiana and Warren Noah Hoggatt of Wisner, Louisiana for perjury committed July 10, 2003 under oath in Natchez, Mississippi. Warren Noah Hoggatt was present in person. Wilton Hoggatt was giving sworn testimony over the telephone. Under oath on the court record April 1, 2003, Wilton Hoggatt denied ever saying statements that are recorded on audiotape, and that were are sent to the Sheriff's office in Franklin Parish, Louisiana and to Nathan Songer, of the Monroe FBI office. The assistant district attorney of Franklin Parish, Johnny Booth, has also listened to those tapes. The District Attorney for the Judicial District of Louisiana, Mr. Coenan has been apprised of the perjury, as has the FBI Special Agent in Charge in New Orleans [Ken Kaiser].

On Thursday, July 17, 2003, [Victoria Hoggatt] will seek to file criminal charges against attorney Philip LeTard, court appointed counsel for a minor in the Youth Court Division of the County Court of Adams County, Mississippi for transmitting a copy of youth court records to Craig Johnson in Danville, Virginia and to Isaiah Hoggatt of Wisner, Louisiana, in violation of statute. [Victoria Hoggatt] had sought to charge Isaiah Hoggatt and Craig Johnson for contributing to the delinquency of a minor August 19 and 20, 2000. It is not known if LeTard also sent Appellants' Petition for Disclosure to law enforcement officials named in the Petition for Disclosure against whom serious misconduct has been alleged. LeTard may have thought "they needed to know" also.

On Thursday, July 17, 2003, Appellant will seek to file federal and state criminal charges against Craig Johnson, for attempting to obstruct justice and intimidate witnesses in the youth court proceeding. Having received Appellants' Petition for Disclosure, transmitted by attorney Philip Letard in violation of law, Craig Johnson called Attorney Victoria Hoggatt, prior to the April 1, 2003 hearing in the Youth

Court Division of the County Court of Adams County, and threatened her, saying, "I'm going to rack your ass." Craig Johnson was angry at what he read of his criminal conduct against the minor, the State of Mississippi, and Eric and Victoria Hoggatt from on or about August 19, 2000 to the date of the hearing. Of Course he stated it on audiotape. And also [Victoria Hoggatt] [will seek to file federal and state criminal charges against] against Manfred Eidt, Court Appointed Special Advocate.

Please note that the tape is copyrighted. You are more than welcome to use it.

**Mootness**

A case is moot when the issues presented are no longer "live" or the parties lack a legally cognizable interest in the outcome. *County of Los Angeles* v. *Davis* , 440 U. S. 625, 631 .

'It has long been settled that a federal court has no authority "to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it." Mills v. Green, 159 U.S. 651, 653 (1895). *See also* Preiser v. Newkirk, 422 U.S. 395, 401 (1975); North Carolina v. Rice, 404 U.S. 244, 246 (1971). For that reason, if an event occurs while a case is pending on appeal that makes it impossible for the court to grant "any effectual relief whatever" to a prevailing party, the appeal must be dismissed.' Mills, 159 U.S., at 653 .

The Mississippi Court of Appeals and Mississippi Attorney General contend that is impossible for the Court to grant the Petitioners any effectual relief. We most strongly disagree. We feel that an event occured while this case was pending on appeal that illustrates the value of disclosure of these Mississippi youth court records for the Court to grant "effectual relief".

On July 18, 2003, eight criminal affidavits were filed in Adams County, Mississippi, against officers of the Mississippi youth court, including the clerk, judge, prosecutor, court appointed attorney, court appointed guardian ad litem, and Mississippi Department of Human Services worker, and against a Natchez police officer for perjury, interference with service of process, conspiracy, obstruction of justice, witness intimidation, and assault. They are reproduced in the appendix for clarity at ??????????? .

The rather queer youth court docket entry for 7/28/2003, "***Letter* signed by [Mississippi Circuit, Criminal Court] Judge Forrest Johnson declined affidavits signed by**

BEST AVAILABLE COPY

**Victoria Hoggatt**", referred to a letter by the judge for whom M.L. Vines serves as Clerk, although none of the persons so charged was a youth. The letter stated,

"To Whom It May Concern:

Re: Victoria Hoggatt;

This is to confirm that the undersigned circuit judge was presented this morning with eight affidavits purportedly signed by one Victoria Hoggatt, on justice court forms, seeking the issuance of warrants against County Court Judge John Hudson, and others, for various alleged offenses. The court was also presented with a three page typed narrative.

These documents were presented by Adams County Prosecuting Attorney, Barret Martin, who felt it proper, under the unusual circumstances, to present same to a circuit court judge.

The court has carefully reviewed the submitted documents, including the typed narrative, and declines to issue the requested warrants, finding that it would not be proper for this court to issue same, based on what was submitted.

/s/Forrest A. Johnson
Circuit Court Judge"

Zip. Even though the affidavits stated the criminal conduct was filmed on videotape. I even became just "alleged", not even real. That hurt.

Conversely, the happy effect of even limited, although perhaps illegal, disclosure of youth court records was investigation, apprehension, prosecution and conviction of Andrew J. Allbritton, Jr.

The Court may consider that the Petition for Disclosure was filed January 28, 2003, sworn to by Eric and Victoria Hoggatts and the mother of assault victim, Marisa Allbritton, alleging gross misconduct by FBI Agent Songer, as to his assistance to Wilton Hoggatt, who was alleged to have been aiding and abetting the fugitive Andrew Allbritton, Jr.'s interstate flight to avoid prosecution in exchange for 80 of land.

Mississippi CASA Guardian ad Litem Manfred Eidt subsequently contacted and spoke with Wilton Hoggatt and Agent Songer, after Hoggatts' Petition for Disclosure was filed January 28, 2003.

On or about March 25, 2003 subpoenas were requested but not issued, to both Wilton Hoggatt and Agent Songer due to concerted action of youth court, including CASA Guardian ad Litem Manfred Eidt

Manfred Eidt stated on the court record that he had recently spoken with Agent Songer , who was not present at the April 1, 2003 hearing, though a subpoena was duly requested for him by Eric and Victoria Hoggatt.

Over seven years after the sexual assault on a child, Allbritton was apprehended by the FBI, when he just happened to walk across the border, coincidentally several days prior to the April 1, 2003 hearing to which Agent Songer was subpoenaed. Allbritton was extradited,

prosecuted, and convicted. Allbritton died incarcerated in Louisiana in 2005.

Daphne Allbritton Woods, who was the person alleged in the January 28, 2003 Petition for Disclosure by the mother of the incest victim, affiant Marisa Allbritton, and by Victoria and Eric Hoggatt Hoggatt to have funneled the money to her brother, then fugitive Andrew Allbritton, from Wilton Hoggatt in exchange for 80 acres, died on March 21, 2006. Witnesses are disappearing from the scene.

Both pleadings and the transcribed court record recount a documented, egregious, and continuing egregious deprivation of rights of due process of law and equal protection of the laws to an extent that was criminal. Petitioners so asserted and documented aggressively on the record. Neither termination of parental rights nor removal of disability of minority are dispositions available to a youth court in Mississippi.

Dr. Hoggatt's family still has a concrete stake in the case's outcome. To the extent Eric and Victoria Hoggatt have an interest in protecting themselves, their son Ethan, and their minor daughter Sascha from yet continuing criminal activity committed by extended family members by appropriate prosecution, they have an interest in overturning the judgment below. The Mississippi Attorney General still has a concrete stake in the case's outcome because, to the extent he has an interest in shielding the state of Mississippi from civil and criminal prosecution, he has an interest in preserving the judgment below. The Mississippi Court of Appeals dismissal of the cause upon its own motion for mootness after a period of three years of litigation and an additional two years of extensive appeallate litigation further counsels against a finding of mootness.

Only after the trial court clerk M. L. Vines sent to the Mississippi Supreme Court a revised docket that showed the first to be egregiously fraudulent did the Mississippi Court of Appeals dismiss the controversy for mootness, upon its own motion, after canceling oral arguments previously granted. This second or third docket, contained in the Record Excepts, also showed that the clerk had not filed the Hoggatts' timely filed Notice of Appeal to the trial judges' order whereby he purported to designate the record for appeal, eliminating most of the petitioners' designation of the record.

The egregious variance in the court record dockets contained in the record show that Petitioners have been illegally denied duly requested subpoena power to all witnesses, as well as had not been summoned to hearings themselves, in violation of statute and constitutional guarantees of due process and equal protection of the laws.

Dismissal of the Petition for Disclosure of Records as moot has the immediate effect of continuing to deny access to Mississippi Department of Human Services and youth court records necessary for civil and criminal prosecution of the State of Mississippi, Wilton Hoggatt, Warren Johnson, and others. The statute of limitations has not run for prosecution of criminal activity of the State of Mississippi.

Not until the record was transmitted by the United States mail to attorney Victoria Hoggatt from the Mississippi Supreme Court Clerk to prepare this Petition for Writ of Certiorari to the United States Supreme Court on or about January 26, 2006 were Petitioners Eric and Victoria Hoggatt able to finally view for documentation the egregiously fraudulent nature of the petition that purports to be the original petition to the Adams County Youth Court, and then only because the Mississippi Supreme court clerk had requested of the Adams County Circuit Clerk a civil

disposition sheet to try to ascertain what was being appealed.

A case is moot when the issues presented are no longer "live" or the parties lack a legally cognizable interest in the outcome. *County of Los Angeles* v. *Davis* , 440 U. S. 625, 631 An actual controversy exists for certiorari review. Dr. Hoggatt has established that "personal stake in the outcome of the controversy," Baker v. Carr, 369 U.S. 186, 204 (1962), that insures that "the dispute sought to be adjudicated will be presented in an adversary context and in a form historically viewed as capable of judicial resolution," Flast v. Cohen, 392 U.S. 83, 101 (1968), and Sierra Club v. Morton, 405 U.S. 727, 732 (1972). Dr. Hoggatt and his family have suffered so direct "an injury sufficient as to present an actual case or controversy". Younger v. Harris, 401 U.S., at 41-42. There could be no greater hurt than what was done to this family, including W.N.H.

Borrowing from the phrasing and reasoning of *Mills*, supra, "if an event occurs while a case is pending on appeal that makes it" *imperative* to the orderly administration of justice "for the Court to grant "effectual relief " to a prevailing party, the appeal" should be granted. Mills, 159 U.S., at 653 . Relief can come eight years later.

American youth court judges and social services workers need to know that Constitutional rights of families are not checked at the courtroom door, and that constitutional guarantees to due process and equal protection of the laws as to notice, opportunity to be heard, and to designate the record for appeal are inalienable, even in secret proceedings.